## Exhibit 1

1	Page 1		Page 3
	-	1	
UNITED STATES DISTRICT COURT		1 2	IT IS HEREBY STIPULATED AND
SOUTHERN DISTRICT OF NEW YORK		3	
UNITED STATES OF AMERICA, :			AGREED by and between the respective
ONTED STRIED OF THIERON,		4	parties herein that the filing and
PLAINTIFF, :		5	sealing of the within deposition be,
vs. : CASE NO.		6	and the same are hereby waived.
12 CIV 4034		7	IT IS FURTHER STIPULATED AND
ALL RIGHT, TITLE AND INTEREST IN :		8	AGREED that all objections, except as
THE REAL PROPERTY AND APPURTENANCES THERETO KNOWN AS 35-37 EAST BROADWAY, :		9	to the form of the question, shall be
NEW YORK, NEW YORK 10002 LISTED AS		10	reserved to the time of trial.
BLOCK 280, LOT 42 IN THE OFFICE OF :		11	IT IS FURTHER STIPULATED AND
THE COUNTY CLERK AND REGISTER OF NEW YORK COUNTY, NEW YORK,		12	AGREED that the within deposition may
TEW TORK COOKITY, NEW TORK,		13	be signed and sworn to before any officer
DEFENDANT-IN-REM. :		14	authorized to administer the oath with
DEPOSITION OF DAMON LEONG, taken		15	the same force and effect as if sworn
by Plaintiff at the offices of the United States		16	to before the Court.
Attorney, One St. Andrew's Plaza, Room 638,		17	IT IS FURTHER STIPULATED that
New York, New York, on February 11, 2013, commencing at 10:45 a.m., before Mary Ellen		18	the transcript is to be certified by
Raftery, CSR, a Notary Public within and for		19	the reporter.
the State of New York.		20	
		21	
		22	
		23	
		24	
		25	
I	Page 2		Page 4
1		1	D. Leong
2 APPEARANCES:		2	D A M O N L E O N G, called as a witness, having been
PREET BHARARA		3	first duly sworn by a Notary Public of the State of
4 United States Attorney for the		4	New York, was examined and testified as follows:
Southern District of New York		5	EXAMINATION BY
5 Attorney for Plaintiff One St. Andrew's Plaza		6	MR. WILSON:
6 New York, New York 10007		7	
7 BY: ALEXANDER J. WILSON, ESQ.			Q Good morning, Mr. Leong. Have you ever
8 LAW OFFICES OF CAROL M. LUTTATI		8	been deposed before?
9 Attorney for Claimant Won & Har Realty Corp.		9	A Posed?
150 East 58th Street 10 New York, New York 10155		10	Q Have you ever been deposed? Like what we
11 BY: CAROL M. LUTTATI, ESQ.		11	are doing today.
12		12	A Yes.
HENG WANG & ASSOCIATES, P.C.  Attorneys for Claimant TYT East Corp.		13	Q Then I won't take too much time. But
7 Mott Street, Suite 600A		14	just a couple general ground rules.
14 New York, New York 10013		15	Obviously, I will be asking you some
15 BY: HENG WANG, ESQ.		16	questions today. Your lawyer may object from time to
GALLET DREYER & BERKEY, LLP		17	time. If your lawyer tells you not to answer a question,
17 Attorneys for Claimant David Gao		18	you should not answer that question. Otherwise, if she
845 Third Avenue - 8th Floor New York, New York 10022		19	objects, it's just to preserve the record and you can go
19 BY: MORRELL I. BERKOWITZ, ESQ.		20	ahead and answer.
20 21 ALSO PRESENT:		21	If at any time you want to consult with
21 ALSO PRESENT. 22		22	your lawyer about something, you should just let me know
MARCO Da SILVA		23	and feel free to do so. The only thing I will ask is
23 Paralegal 24		24	that unless you have a question about whether something

1 (Pages 1 to 4)

	Page 5		Page 7
1	D. Leong	1	D. Leong
2	ask you to answer whatever question I've asked before you		graduated?
3	then talk to your lawyer.	3	A Went to Esquire Pharmacy.
4	If you need a break at any time, if you	4	Q What were you doing there?
5	want to go to the bathroom, that's fine. Again, just let	5	A Pharmacist intern.
6	me know and we'll try and get you out of here as quickly	6	Q How long were you there?
7	as possible.	7	A About a year and a half.
8	Do you have any questions about any of	8	Q And where did you go after you left?
9	that?	9	A Long Life Pharmacy.
10	A No.	10	Q And how long were you at Long Life?
11	Q If you don't understand any question that	11	A About 25 years.
12	I ask, you should tell me. Just stop me and say, I don't	12	Q When did you leave Long Life?
13	understand, could you ask it in a different way.	13	A I'm not exactly I think about six
14	Anything that you want to clarify, feel free to do so.	14	years ago, five years. Something like that.
15	Do you understand that?	15	Q And what did you do after you left Long
16	A Yes.	16	Life?
17	Q If you don't do any of that, I'm going to	17	A I ran the Won & Har Realty.
18	assume that you understood my question. Just so you	18	Q And when you came in sorry. You said
19	know, that's what the record is going to reflect.	19	you ran Won & Har Realty. What was your title when you
20	Does that make sense?	20	started at Won & Har?
21	A Yes.	21	A President.
22	Q The last thing, if you nod or shake your	22	Q And you've been president since 2006 or
23	head you probably heard this before from deposition	23	so when you left Long Life?
24	the court reporter can't record it. So I just need you	24	A Yes.
25	to actually verbally say yes or no, if it's a yes or no	25	Q Do you do anything else other than your
25	Page 6	2.5	Page 8
1		1	
1	D. Leong	1	D. Leong
2	that you are giving.	2	job with Won & Har Realty?
3	A Okay.	3 4	A No.
4	Q Where did you grow up, Mr. Leong?	5	Q This may be obvious. But what are your
5 6	A New York.	6	job responsibilities as Won & Har's president?
7	Q In the City?	7	A Run the building, collect rent.
	A In the City.	·	Q Does Won & Har do anything except own the
8	Q And where did you go to school, starting	8	building?  A We just a holding company. That's it.
9	in high school?	10	
10	A La Salle Academy.	11	
11	Q Did you go to college?	12	referring to is 35-37 East Broadway?  A Yes.
12	A Yes.	13	A Yes. Q If I call it "the building," like you
13	Q Where did you go?	14	
14	A St. John's.	15	just did, you'll understand that that's what I'm talking about?
15	Q What did you get a degree in?	16	
16 17	A Pharmacy.	17	A We own multiple buildings. Q So aside from 35-37 East Broadway, what
	Q Do you have any advanced degrees?	18	other buildings does Won & Har own?
18	A No.	19	A 242 Canal.
19 20	Q And what year did you graduate from	20	Q Any others?
21	St. John's?	21	MS. LUTTATI: At what time?
21	A I don't really remember. Back in the	22	
23	80s.	23	Q Let's start with right now. Presently, aside from 242 Canal Street
. / >	Q Ballpark is fine.	24	and 35-37 East Broadway, does Won & Har own any other
	A Okay		
24 25	A Okay. Q Where did you go to work after you	25	properties?

		Page 9			Page 11
1		D. Leong	1		D. Leong
2	A	No.	2	buy it?	_,6
3	Q	Does Won & Har have any other assets?	3	A	No. They borrowed money.
4	A	No.	4	Q	Do they still owe any money on the
5	Q	Just the two buildings?	5	building?	
6	A	Yes.	6	A	No.
7	Q	I would like to shift gears and ask you	7	Q	Sorry. Does Won & Har still owe any
8	some que	estions about Won & Har and the background of that	8	money on	the building?
9	company		9	A	No.
10		When was it started?	10	Q	How about Canal Street?
11	A	Back in 1970-something.	11	A	No.
12	Q	Who founded it?	12	Q	Was there they borrowed money at the
13	A	My dad and my mom.	13	time?	
14	Q	Were they the only shareholders?	14	A	Yes.
15	A	No. They also gave shares to the kids.	15	Q	It's all paid off?
16	That's me	e and Vincent.	16	Α	Yes.
17	Q	No one outside the family owned any	17	Q	When they first bought 35-37 East
18	shares of	Won & Har?	18		y, do you know what type of building it was?
19	A	No. That's it.	19		al, commercial?
20	Q	And before you took over as president in	20	A	Commercial.
21	2006, wa	s your father running it or withdrawn.	21	Q	And who ran it?
22		Who was running it before then?	22	A	My dad.
23	A	Yes, he was running it.	23	Q	Did he lease out he rented out the
24	Q	And has Won & Har ever done any type of	24		spaces in the building?
25	business	aside from owning properties?	25	A	Yes.
		Page 10			Page 12
1		D. Leong	1		D. Leong
2	A	No.	2	Q	How long did your dad or anyone else from
3	Q	How many properties, aside from the ones	3		ar directly rent the individual units in 35-37?
4	•	tioned, has it owned in the past?	4	A	I don't understand that question.
5	A	It just owned these two.	5	Q	Your dad would withdrawn.
6	Q	When did Won & Har acquire 35-37 East	6		Currently TYT East has a Master Lease on
7	Broadwa	•	7	the proper	
8	A	Back in 1970.	8	A	Yes. Triple Net Lease.
9	Q	Okay. 1970, that year, or in the 1970s?	9	Q	So TYT is leasing out the individual
10	A	It's in that ballpark. The exact time I	10	units to su	
11	don't kno		11	A	Yes.
12	Q	How about 242 Canal Street?	12	Q	Prior to TYT having that Master Lease,
13	A	That's 1985.	13		someone else who had a similar lease?
14 15	Q East Pro	Do you know who Won & Har purchased 35-37 adway from?		A	No.
16	East Blos	I think it was from Cohen. Someone named	15 16	Q itself renta	Prior to TYT taking over, Won & Har ed out each unit?
17	Cohen.	i tillik it was itotii Collett. Sollicolle itallied	17	A	Yes.
18	Q	And how about Canal Street?	18	Q	How about Canal Street? How did the
19	A	I think they bought it from Citibank. I	19	-	ented there?
20	think.	Tanik dieg bought it from Citiodik. 1	20	A	It was a Triple Net Lease originally.
21	Q Q	Was there a mortgage on 35-37 East	21	Q	And who is it still a Triple Net Lease
22	-	y when they bought it?	22	now?	The who is it still a Triple Net Dease
23	A	I don't understand that question.	23	A	Yes.
24	Q	Sorry. Did they pay for the whole	24	Q	It's always been a Triple Net Lease?
25	-	in cash at the time or did they borrow money to	25	À	It started out as a Triple Net Lease.

3 (Pages 9 to 12)

		Page 13			Page 15
1		D. Leong	1		D. Leong
2	Q	And it stayed that way from 1985 until	2		MR. WILSON: I'm going to
3	today?	That it stayed that way from 1905 until	3		mark I will give you all a copy
4	A	Yes.	4		as Government Exhibit 1 what is the
5	Q	Who is the lessee on the Triple Net Lease	5		lease between Won & Har Realty Corp.
6	on Canal		6		and TYT East Corp.
7	A	It's 242 Canal Street. It's called 242	7		(Whereupon, the
8	Canal Ca		8		above-referenced document was
9		242 Canal Cafe?	9		marked as Government's Exhibit No.
10	Q	Yeah.	10		1 for identification as of this
	A		11		
11	Q	Has it always been 242 Canal Cafe or has	12	0	date.)
12	that chan			Q	I will give you this copy to look at and
13	A	That recently changed.	13		ou to turn to page well, if you go to page
14	Q	What type of building is that? What	14		go to the very next page after 26 which does not
15	size?	***	15	_	age number at the bottom.
16	A	It's small.	16	A	Okay.
17	Q	Just the size of a restaurant, basically?	17	Q	You see that there is a list of tenants
18	A	It's one floor.	18	on this?	
19	Q	So is there just one tenant at any given	19	A	Yes.
20	time?		20	Q	Are these the people who were tenants at
21	Α	Yes, only one tenant.	21	the time	TYT took over?
22	Q	And were there ever any subtenants?	22	A	Yes.
23	A	No.	23	Q	These were the only tenants that were in
24	Q	Now, before TYT East took over a Master	24	the build	ing?
25	Lease on	the property, you were president, correct?	25	A	Yes.
		Page 14			Page 16
1		D. Leong	1		D. Leong
2	A	Yes.	2	Q	And these are the only ones who were
3	Q	And how long were you running the company	3	tenants fr	om the time you became president until the time
4	before you	u entered into that Master Lease?	4		c over the building; is that right?
5	A	About two to three years.	5	A	No. There were some that left.
6	O	And during those years you were in charge	6	Q	Okay. Do you remember how many well,
7	of renting	out the individual units?	7	-	k it this way:
8	A	We had tenants already. So we just	8		When did these other tenants leave? At
9	collect rer	· · ·	9	the time	ΓΥΤ took over or earlier?
10	Q	Did you have any new tenants during those	10	A	Earlier.
11	periods?	= 12 j 34 ma · c anj ne · · cenanto daring tilose	11	Q	And how many of them were there who left
12	A	No.	12	-	took over as president?
13	Q	So it was the same tenants when you took	13	A A	I think about three, three or four.
14		TYT East came in?	14	Q	So there were three who were still there?
15	A	Yes.	15	A	Yeah.
16			16	Q	And three to four left from when you took
17	Q	How many tenants did you have?	17	_	And three to roth left from when you took
	A like that	About three, three or four. Something	18	over	Yeah.
18 19	like that.	Co there were only three to four towart-	19	A	
	Q in the pro-	So there were only three to four tenants		Q	to when TYT took over the Master
20	in the proj	• •	20	Lease.	Vooh
21	A	Yeah. There were some vacancies.	21	A	Yeah.
22	Q W-11	Do you remember who those tenants were?	22	Q tamanta?	Do you remember the names of any of those
23	Well	N 7.1 1/2	23	tenants?	N
24	A	No, I don't.	24	A	No.
25			25	Q	How much rent were they paying, do you

4 (Pages 13 to 16)

1			
_	D. Leong	1	D. Leong
2 re	ecall, before TYT took over?	2	A I don't understand.
3	A No, I don't. I would have to look that	3	Q Ultimately TYT became the entered into
4 u	ıp.	4	a lease with Won & Har, right?
5	Q Do you have a general sense of how much	5	A Yes.
6 re	evenue the building was bringing in?	6	Q How did that happen? Walk me through how
7	MS. LUTTATI: What time period?	7	you came to enter into that lease agreement.
8	Q Before TYT took over. In the period	8	A They negotiated the lease with my lawyer.
9 w	vell, I'll clarify that.	9	Q Were you looking for someone to take over
10	From when you took over as president to	10	a lease at the beginning of this process?
11 w	when TYT took over the building, do you remember how much		A Yes.
	evenue the building was generated for Won & Har?	12	Q And that was before you heard anything
13	A No, I don't.	13	about TYT East or once you became aware of their
14	Q How did you first become aware of TYT	14	potential interest?
	East as an entity?	15	A I don't understand that either.
16	A My lawyer contacted me.	16	Q Okay. Prior to you ever hearing about
17	Q Which lawyer was that?	17	TYT East, before you ever heard of them, were you
18	A Dean Fong.	18	actively seeking someone to lease the building?
19	Q And what did he tell you about	19	A Yes.
20	MS. LUTTATI: Objection.	20	Q When did you start doing that? When did
21	Attorney/client privilege.	21	you start looking for someone to lease the building?
22	Q Was the purpose of this conversation with	22	A About a year before TYT lease signing.
	Mr. Fong for advice about a litigation?	23	Q And why were you doing that?
24	Just answer exactly that question. Don't	24	A We didn't want to renovate the building.
	rolunteer anything.	25	That's the thing.
23 (			
	Page 18		Page 20
1	D. Leong	1	D. Leong
2	A I don't understand that.	2	Q You didn't want to renovate the building?
3	MS. LUTTATI: Objection. We're	3	A No.
4	not going to get into conversations	4	Q And why would you have needed to renovate
5	that he had with his attorney. I'm	5	the building if you didn't find someone to lease it?
6	directing him not to answer those	6	A It was old. It needed to be renovated to
7	questions.	7	be rented out.
8	MR. WILSON: Well, just to make	8	Q And you didn't want to do that?
9	the record clear, and maybe you can	9	A We didn't want to take the loan to do it.
10	talk with him offline and see if it	10	Q Walk me through. You didn't want to
11	changes anything when we have a	11	renovate the building. So instead you tried to find
12	break, it sounds like this is a	12	someone who would renovate it themselves. Is that the
13	conversation about a business matter	13	concept?
14	and how he first met with the people	14	A Someone came up and offered us a Triple
15	who became the Master Lessee. I	15	Net Lease that's not TYT.
16	don't see how that would fall within	16	Q Who was that?
17	attorney/client privilege, unless	17	A I don't remember.
18	there is anything about the	18	Q Do you remember anything about it? Was
19	conversation that is not obvious on	19	it a company, a person?
20	the surface. But we can move on and	20	A They just came up, we negotiated, but it
21	we will come back to it after you had	21	didn't work out.
22	a chance to talk to him.	22	Q Was it a person you were negotiating
23	Q Subsequent to having whatever	23	with, an individual? Was it a company?
	conversation you had with Mr. Fong, did you do anything	24	A It was a person.
25 re	elating to TYT East?	25	Q So a person approached you personally or

5 (Pages 17 to 20)

		Page 21		Page 23
1		D. Leong	1	D. Leong
2	someone o	else at Won & Har?	2	don't own any residential.
3	A	It approached us, Won & Har.	3	Q Can you just explain why it is what
4	Q	With the idea of taking a Triple Net	4	were the reasons why you didn't want to deal with
5	Lease?		5	residents?
6	A	Yes.	6	A We just don't want to. That's the
7	Q	I know you already said you don't	7	reason. We just commercial. We just do a commercial
8	remember	. But I'll ask you to think again for a moment.	8	business.
9		ure you don't remember about who that was?	9	Q My understanding, though, is this would
10	A	No, I don't.	10	be a 20-year Triple Net Lease, right?
11	Q	How did they come to think of you? Do	11	A Yes.
12	you remen	mber anything about the circumstances of them	12	Q So the lessee would be in charge of
13	approachi	ng you?	13	taking care of all of the issues that would arise with
14	A	No.	14	the subtenants, right?
15	Q	Do you remember what terms they were	15	A Yes.
16	offering?		16	Q And they would pay whatever rent it was
17	A	It was similar to the TYT's lease.	17	they were going to pay, right?
18	Q	In terms of the rent they would pay as	18	A Yes.
19	well or jus	st in terms of the structure?	19	Q So why did you care if they were dealing
20	A	I don't understand that one.	20	with residents rather than commercial businesses?
21	Q	You said it was similar to the TYT lease,	21	A We only deal in commercial properties.
22	right?		22	We don't want to get into residential properties.
23	A	Yeah.	23	Q I understand you said that, sir. It may
24	Q	What was similar about it?	24	just be me.
25	A	The 20-year Triple Net Lease.	25	Sorry. Please, finish your answer.
		Page 22		Page 24
1		D. Leong	1	D. Leong
2	Q	Do you remember what rent they were	2	A No. Go ahead.
3	offering t	o pay?	3	Q Could you just explain to me what the
4	A	No, I don't.	4	reasons are why you don't want to deal with residential
5	Q	Why didn't it work out?	5	businesses?
6	A	Some of the terms didn't work out.	6	A We just don't want to.
7	Q	Which terms didn't work out?	7	Q Obviously, your reasons are what they
8	A	They wanted to use it for certain uses	8	are. But are you just telling me there is nothing else
9	that were	n't going to be used for.	9	you can articulate or explain to me for why you don't
10	Q	What were those uses?	10	want to deal with residencies beyond just that you don't
11	A	Like a hotel or something like, you know.	11	want to?
12	Q	Just to make sure, when you say like a	12	A We just don't want do. That's it.
13		s it a hotel they wanted to use it for or	13	Q Are there any records anywhere that Won &
14		g similar to a hotel?	14	Har has about the deal that was proposed in negotiations?
15	A	They wanted to put some residencies in	15	A No.
16		ng which we don't want to do.	16	Q Is that because you got rid of them at
17	Q	When you say residencies, rental units?	17	some point or there never were any documents?
	A	Rental units.	18	A I don't understand that.
18			19	Q Were there ever any documents that
19	Q haailalin oo	They wanted to make it a residential		· · · · · · · · · · · · · · · · · · ·
19 20	building?		20	reflected the terms of this proposed deal?
19 20 21	building?	No. Like mix.	20 21	reflected the terms of this proposed deal?  A No.
19 20 21 22	building? A Q	No. Like mix. Why didn't you want to do that?	20 21 22	reflected the terms of this proposed deal?  A No.  Q It was totally a verbal conversation.
19 20 21 22 23	building? A Q A	No. Like mix. Why didn't you want to do that? Because it was a commercial building.	20 21 22 23	reflected the terms of this proposed deal?  A No. Q It was totally a verbal conversation. You just spoke to them about it?
19 20 21 22	building? A Q	No. Like mix. Why didn't you want to do that?	20 21 22	reflected the terms of this proposed deal?  A No.  Q It was totally a verbal conversation.

	Page 25			Page 27
1	D. Leong	1		D. Leong
2	anywhere that would tell us who this potential lessee	2	O	Is there anyone who might know anything
3	was?	3		erms of the proposal?
4	A No.	4		No.
5	Q Is there anyone else you can think of who	5		How about Mr. Fong? Do you know?
6	would remember who the potential lessee was?	6	-	I might have talked to him about it. But
7	A No.	7	exact terms	-
8	Q After you had this initial conversation,	8		Were they ever formalized in any way?
9	how long was it between when they proposed it to you and			No.
10	when you decided the deal couldn't be done?	10	Q	So between the time when you finished
11	A I don't understand that either.	11		ssions with that person and when you got
12	Q This person approached Won & Har about a	12	•	ommunication it was from Mr. Fong about TYT
13	potential Triple Net Lease, right, and you discussed it	13		nything happen with respect to leasing the
14	with them?	14	building?	
15	A Yes.	15	_	I don't understand.
16	Q And you decided that it wouldn't work	16	Q	At the end of the process you leased the
17	because they wanted to include residential properties.	17		TYT East?
18	A Yes.	18		Yes.
19	Q How long was it from when they proposed	19	Q	And the first time you thought about
20	it to when you decided that it wouldn't work?	20	_	iple Net Lease was when this person approached
21	A About a week or two.	21	_	a year before?
22	Q And that was about a year before TYT	22	A	Yes.
23	East's Triple Net Lease?	23	Q	After you stopped talking to the person
24	A Yes.	24	about that	deal, was there anything else that you did to
25	Q What's the next thing that happened with	25	find someo	one to lease the building?
	Page 26			Page 28
1	D. Leong	1		D. Leong
2	respect to the idea of having a Triple Net Lease?	2	A	No.
3	A I don't understand that.	3	Q	The next thing that happened that related
4	Q After you finished your discussions about	4	to a lease of	of the building was Mr. Fong got in touch with
5	the lease with this person, did you talk to anyone else	5	you about	TYT East?
6	about having a Triple Net Lease?	6	A	Yes.
7	A No.	7	Q	I think you said earlier that Mr. Fong
8	Q The next person you talked to was TYT?	8	negotiated	the lease with TYT East?
9	A Yeah.	9	Α	Yes.
10	Q Did you do anything to try and find	10	Q	That was at your direction?
11	someone to enter into that lease before TYT?	11	A	Yes.
12	A No.	12	Q	Did you ever talk to anyone from TYT
13	MR. WILSON: Come in.	13	East?	
14	Why don't we go off the record	14	A	No.
15	for one second.	15	Q	What did you know about TYT East?
16	(Pause.)	16	A	I don't know them.
17	(Mr. Berkowitz entered the	17	Q	Did you know anything about the company?
18	hearing room.)	18	A	No.
19	MR. WILSON: We can go back on.	19	, Q	Do you know what they do or what their
20	BY MR. WILSON:	20	business is	
21	Q Just to clarify one last thing before I	21	A	No.
22	move on, sir, you said that there isn't anyone else at	22	Q	Do you know who any of the people are who
23	Won & Har who would know who the person who approached		work there	
24	you with the Triple Net Lease idea was, right?	24	A	No, I don't know them.
25	A Yes.	25	Q	So you decided, I take it, that you

	Page 29		Page 31
1	D. Leong	1	D. Leong
2	wanted to lease the building to TYT East, right?	2	A Yeah.
3	A Yes.	3	Q You have a sense, though, of how much the
4	Q Why?	4	building was bringing in before the lease with TYT?
5	A They met my terms.	5	A It was very small amount. It wasn't
6	Q And what were those terms?	6	reaching its capacity.
7	A It's in the lease.	7	Q So ballpark. No one is going to hold you
8	Q Well, the lease has all the terms of your	8	to how close you get. But about how much money were you
9	agreement with TYT, right?	9	making before TYT took over the lease?
10	A Yes.	10	A About 19,000 a month, I think.
11	Q What terms were important to you?	11	Q So about 350 to 400 a year?
12	A The rent and, you know, and all the terms	12	A Yeah.
13	in the lease.	13	Q And that was the term you proposed to
14	Q Well, you just said, sir, the reason that	14	well, you never spoke to anyone at TYT in this process?
15	you agreed to do a lease with TYT was because they me	15	A No.
16	your terms.	16	Q So those were the terms you had Mr. Fong
17	A Yes.	17	convey to TYT?
18	Q Were all the terms in the lease ones that	18	A Yes.
19	you required that you had written out in advance?	19	Q Any issues other than the rent and the
20	A My lawyer negotiated it.	20	20-year lease come up during the negotiations of the
21	Q So what were the ones that mattered to	21	lease?
22	you?	22	A No.
23	A Rent.	23	Q You told that to Mr. Fong and Mr. Fong
24	Q Anything else?	24	came back with a lease and that was your only
25	A And the 20-year lease. That was the	25	involvement. Is that
	Page 30		Page 32
1	D. Leong	1	D. Leong
2	thing.	2	A I don't understand.
3	Q Why did you want it to be a 20-year	3	Q You said that Mr. Fong negotiated this
4	lease?	4	deal with TYT for you.
5	A So I wouldn't have to worry about it for	5	A Yes.
6	the next 20 years.	6	Q What involvement, if any, did you have in
7	Q How much rent were you looking to get	7	negotiating this deal?
8	before you started the process?	8	A Mr. Fong did the negotiating and he would
9	A We were looking to get about a million	9	come back and tell me.
10	dollars a year.	10	Q Aside from just bringing you a final
11	MR. WANG: I'm sorry. A	11	agreement, did he ever come back with a proposal from TYT
12	million dollars?	12	that you didn't accept?
13	THE WITNESS: Yes.	13	A I don't remember that.
14	Q Just to be clear, one million dollars a	14	Q Do you remember anything happening in the
15	year is what you wanted to get?	15	course of this being negotiated other than Mr. Fong just
16	A Yeah.	16	bringing you back the final agreement?
17	Q Was that more or less than you were	17	A I don't remember either.
18	getting while you were renting it out on your own?	18	Q Let me just ask you to turn I think it is
19	A It was more.	19	back one back two-pages to page 25.
20	Q About how much more?	20	So this is the agreement on the rent that
21	A I'm not sure because we have vacancy at	21	would be paid each year under the lease, right?
22	that time.	22	A Yes.
23	Q Right. And I understood you to say	23	Q And it starts out the very first year at
24	earlier that you don't recall exactly how much revenue		370,000 and goes at the end to about 1.6 million; is that
25	the building was bringing in.	25	right?

8 (Pages 29 to 32)

		Page 33		Page 35
1		D. Leong	1	D. Leong
2	A	Yes.	2	have been split at one point, if there were seven tenants
3	Q	And just to be clear, when we talked	3	at one stage?
4	about it ea	rlier, you said about 350 to 400 a year is	4	A No. The first floor was split.
5	what you t	hink ballpark you were getting before the lease	5	Q So each side of the first floor and then
6	was entere	d.	6	each floor going up, total of seven tenants?
7	A	Yes.	7	A Yeah.
8	Q	Now, you'll note that we start off	8	Q And he was going or TYT East was going to
9	obviously	small and we rapidly get higher. Year six it	9	convert the space into individual offices?
10	goes up to	900,000.	10	A That's what they said.
11	A	Yes.	11	Q How did you find that out?
12	Q	That's not quite double what he is paying	12	A That's what they said. They said they
13	in year two	but it's pretty close, right?	13	would convert it into office space.
14	A	Yes.	14	Q But who said it?
15	Q	And you'd only been getting 350 to 400 a	15	A Connie Chan.
16	year before	ehand, right? You just said that. So how did	16	Q Who is Connie Chan?
17	you envisi	on that they were going to be able to make so	17	A She ran the place. She's the manager.
18	much mor	e money out of the building than you were making	? 18	Q And who did she tell that to; that they
19	A	They would convert it over to office	19	were going to convert it into office space?
20	space.		20	A They told me.
21	Q	What was it before there was any	21	Q When did she tell you that?
22	conversion	1?	22	A When we signed the lease, you know.
23	A	Factory loft.	23	Q My only confusion, sir, I thought you
24	Q	Factory and loft space?	24	told me a couple of times that you didn't talk to anyone
25	A	It's a factory loft. Sewing factory.	25	at TYT during the process. So you talked to Connie Char
		Page 34		Page 36
1		D. Leong	1	D. Leong
2	Q	So prior to the lease the space was	2	while the lease was being
3	essentiall	y well, let me step back.	3	A When we signed. We were in the office
4		It wasn't being used as a sewing factory,	4	when it was being signed.
5	obviously		5	Q Who else was there when you signed the
6	A	I don't understand.	6	lease?
7	Q	You just said it was a sewing factory	7	A There were several other TYT people. I
8	space.		8	don't know who they are.
9	A	Where they have garments. Where they sew	9	Q Do you not remember who it was or you've
10	garments	That's what they did. It was four individual	10	never known who those people were?
11	tenants.		11	A I didn't know who they were.
12	Q	Did each tenant have a full floor?	12	Q Do you know who they are now? Looking
13	A	Yes.	13	back on it, have you learned since who they are?
14	Q	You said there were how many I think	14	A No, I don't.
15	we alread	y covered this earlier.	15	Q How did the conversation about the
16		There were three tenants at the end when	16	conversion to office space come up?
17	you enter	ed into the lease, right?	17	A They would just submit a plan on what
18	A	Yes.	18	they are going to do with the building. So they told me
19	Q	And you think there were three to four	19	they going to convert it to office.
20	that had l	eft earlier?	20	Q When were they supposed to submit this
21	A	Yes.	21	plan?
22	Q	And each one had its own I guess and	22	A When they have it ready, you know.
23	there's six	a floors in the building?	23	Q Before you were signing the lease or
24	A	Yes.	24	after the lease?
25	Q	So each had its own so one floor would	25	A After, you know.

	Page 37		Page 39
1	D. Leong	1	D. Leong
2	Q So at the time that you entered into the	2	they were not going to be able to pay you the rent,
3	lease, you hadn't seen the plan?	3	right?
4	A No.	4	A Yes.
5	Q So that and again, I apologize. I'm	5	Q So what did you think in advance of doing
6	sure that it's my fault. When you decided to enter this	6	the lease they were going to be able to do to quadruple
7	lease and when this rent was set, you didn't know they	7	the amount of money you would make?
8	were converting it into office space, right?	8	A Change it over to office space so they
9	A I don't understand you.	9	could easily make the rent, you know.
10	Q You said that you found out when you were	10	Q So you thought, even though no one had
11	signing the lease that they planned to convert the	11	told you, that they were going to convert it to office
12	building to offices.	12	space?
13	A Yes.	13	A Yes. Because most people were converting
14	Q You agreed to the terms of the lease	14	their buildings in Chinatown to office spaces.
15	before that?	15	Q How did you calculate that they would be
16	A Yes.	16	able to pay 1.6 million a year?
17	Q Okay. So when you agreed to the terms of	17	A That's 20 years from now. So
18	the lease, you hadn't heard this office space plan?	18	Q What was your thinking?
19	A No.	19	A With depreciation and everything and the
20	Q So before you had that conversation, why	20	way the real estate market goes up, it should, it should
21	did you think they were going to be able to make so much	21	be able to make it.
22	more money from the building than Won & Har was?	22	Q What analysis did you do before entering
23	A Because you convert it into office space,	23	into the lease?
24	they would get more dollars per square footage.	24	A I didn't do any analysis. Just by
25	Q Right. But you just told me, sir, that	25	experience, you know. That's all I had.
	_		
	Page 38		Page 40
1	D. Leong	1	Page 40 D. Leong
1 2		2	
	D. Leong		D. Leong
2	D. Leong you didn't know, when you entered into these terms, that they were going to convert it to office space.  A Yes. I didn't know. But you can convert	2	D. Leong Q Did anyone from Won & Har do any analysis
2	D. Leong you didn't know, when you entered into these terms, that they were going to convert it to office space.	2	D. Leong Q Did anyone from Won & Har do any analysis to determine whether these rents were realistic?
2 3 4	D. Leong you didn't know, when you entered into these terms, that they were going to convert it to office space.  A Yes. I didn't know. But you can convert it from anything from the loft because the loft were very low rent.	2 3 4	D. Leong Q Did anyone from Won & Har do any analysis to determine whether these rents were realistic? A Well, my lawyer was the one who negotiated the dollar figure. So Q Did your lawyer tell you that he had done
2 3 4 5	D. Leong you didn't know, when you entered into these terms, that they were going to convert it to office space.  A Yes. I didn't know. But you can convert it from anything from the loft because the loft were very low rent.  Q What did you think they were going to do	2 3 4 5	D. Leong Q Did anyone from Won & Har do any analysis to determine whether these rents were realistic? A Well, my lawyer was the one who negotiated the dollar figure. So Q Did your lawyer tell you that he had done some analysis?
2 3 4 5 6 7 8	D. Leong you didn't know, when you entered into these terms, that they were going to convert it to office space.  A Yes. I didn't know. But you can convert it from anything from the loft because the loft were very low rent.  Q What did you think they were going to do when you agreed to the terms of the lease?	2 3 4 5 6 7 8	D. Leong Q Did anyone from Won & Har do any analysis to determine whether these rents were realistic? A Well, my lawyer was the one who negotiated the dollar figure. So Q Did your lawyer tell you that he had done some analysis? A I don't know that. I don't know.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	D. Leong you didn't know, when you entered into these terms, that they were going to convert it to office space.  A Yes. I didn't know. But you can convert it from anything from the loft because the loft were very low rent.  Q What did you think they were going to do when you agreed to the terms of the lease?  A I didn't understand that now.  Q Sir, you just told me that at the time that you signed the lease you found out what their plan was.  A Yes.  Q You didn't know what their plan was before?  A No.  Q But you entered into a lease with them because you wanted to get this amount of rent.  A Yes.  Q So you thought, before you entered into the lease, about whether they would be able to deliver	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	D. Leong Q Did anyone from Won & Har do any analysis to determine whether these rents were realistic? A Well, my lawyer was the one who negotiated the dollar figure. So Q Did your lawyer tell you that he had done some analysis? A I don't know that. I don't know. Q Why don't you tell me everything that you know that was done by anyone on behalf of Won & Har to evaluate the rent amounts and what they should be, what they would be. Anything you can think of. What did Won & Har do before entering into this lease? A Market value at that time was \$40 a square foot. I know that. And office space was \$100 a square foot \$100 square foot is office, right? A No. \$100 a square foot was for the stores. Q Let's start here.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	D. Leong you didn't know, when you entered into these terms, that they were going to convert it to office space.  A Yes. I didn't know. But you can convert it from anything from the loft because the loft were very low rent.  Q What did you think they were going to do when you agreed to the terms of the lease?  A I didn't understand that now.  Q Sir, you just told me that at the time that you signed the lease you found out what their plan was.  A Yes.  Q You didn't know what their plan was before?  A No.  Q But you entered into a lease with them because you wanted to get this amount of rent.  A Yes.  Q So you thought, before you entered into the lease, about whether they would be able to deliver this rent, right?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	D. Leong Q Did anyone from Won & Har do any analysis to determine whether these rents were realistic? A Well, my lawyer was the one who negotiated the dollar figure. So Q Did your lawyer tell you that he had done some analysis? A I don't know that. I don't know. Q Why don't you tell me everything that you know that was done by anyone on behalf of Won & Har to evaluate the rent amounts and what they should be, what they would be. Anything you can think of. What did Won & Har do before entering into this lease? A Market value at that time was \$40 a square foot. Q The market value for what then was \$40 a square foot \$100 square foot is office, right? A No. \$100 a square foot was for the stores. Q Let's start here. What are the numbers you were using when
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	D. Leong you didn't know, when you entered into these terms, that they were going to convert it to office space.  A Yes. I didn't know. But you can convert it from anything from the loft because the loft were very low rent.  Q What did you think they were going to do when you agreed to the terms of the lease?  A I didn't understand that now.  Q Sir, you just told me that at the time that you signed the lease you found out what their plan was.  A Yes.  Q You didn't know what their plan was before?  A No.  Q But you entered into a lease with them because you wanted to get this amount of rent.  A Yes.  Q So you thought, before you entered into the lease, about whether they would be able to deliver this rent, right?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	D. Leong Q Did anyone from Won & Har do any analysis to determine whether these rents were realistic? A Well, my lawyer was the one who negotiated the dollar figure. So Q Did your lawyer tell you that he had done some analysis? A I don't know that. I don't know. Q Why don't you tell me everything that you know that was done by anyone on behalf of Won & Har to evaluate the rent amounts and what they should be, what they would be. Anything you can think of. What did Won & Har do before entering into this lease? A Market value at that time was \$40 a square foot. Q The market value for what then was \$40 a square foot \$100 square foot is office, right? A No. \$100 a square foot was for the stores. Q Let's start here. What are the numbers you were using when

	Page 41		Page 43
1	D. Leong	1	D. Leong
2	Hundred a square foot is?	2	You were about to go into business with
3	A For the two stores.	3	TYT East.
4	Q And the two stores are on the first	4	A Yes.
5	floor?	5	Q And what percentage of Won & Har's
6	A Yeah.	6	revenue came from 35-37 East Broadway?
7	Q And how many square feet are the two	7	A Large percentage.
8	stores?	8	Q More than 50?
9	A It's 50 by 100 lot.	9	A Yeah.
10	Q And upstairs, how much per square foot?	10	Q More than 75?
11	A It would be \$40.	11	A About that.
12	Q And how big are those? How big are the	12	Q So 75 percent of your revenues were now
13		13	going to be coming from a business relationship with TYT
14	upstairs spaces?	14	East, right?
	A It would be the same size as the store.		
15	Q The entire floor was unpartitioned at the	15	A Yes.
16	time you leased it?	16	Q And at the beginning you didn't know
17	A Yeah.	17	anything about that company?
18	Q We'll do the math later.	18	A No.
19	What conclusions did you reach based on	19	Q You didn't know who ran it, right?
20	that well, where did you get the square footage	20	A No.
21	numbers at the time?	21	Q Do you know if they had any experience
22	A That's what I saw on the website, on the	22	running buildings?
23	web. We just put them.	23	A No.
24	Q So you did a web search to determine what	24	Q Do you know if they had ever run a
25	the going rate was for square footage for stores and for	25	building before?
	Page 42		Page 44
1	D. Leong	1	D. Leong
2	loft space?	2	A No.
3	A Yeah.	3	Q Do you know if they declared bankruptcy
4	Q You personally did that?	4	before?
5	A Yeah.	5	A No.
6	Q Do you remember what website you went to?	6	Q Do you know if they had broken contracts
7	A No, I don't.	7	before?
8	Q Is that for Manhattan, for New York,	8	A No.
9	for	9	Q Did you know if they had been arrested,
10	A For Manhattan.	10	the principals had been arrested before?
11	Q Anything else that you did?	11	A No.
12	A No.	12	Q Did you know if they engaged in illegal
13	Q Anything else that you know anyone did	13	activities of any kind?
14	for Won & Har?	14	A No.
15	A No.	15	Q So once a proposal was made to you to
16	Q Did anyone do any due diligence and check	16	have TYT East take over the building, what did you do to
17	out TYT?	17	find out any information about TYT East?
18	A I don't understand by that.	18	A It was a new corporation that was formed
19	ř	19	at the time. They didn't have, you know
	Q You said that you didn't do anything		* * * * * * * * * * * * * * * * * * * *
20	about TYT East, right?	20	Q Okay. So that's something you did know
21	A Yes.	21	about TYT East. That's what I'm asking.
22	Q Did you do anything to find out about TYT	22	You knew it was a new corporation?
23	East?	23	A I think so.
24	A No. No. I don't understand.	24	Q Did you know it was a new corporation?
25	Q Sure. Let me try again.	25	A I'm not sure. Okay. I don't know.

11 (Pages 41 to 44)

	Page 45		Page 47
1	D. Leong	1	D. Leong
2	Q I'm only asking because you just said it.	2	Q Aside and this lawyer is Mr. Fong; is
3	So that's the only reason.	3	that correct?
4	At the time what did you know about TYT	4	A Yes.
5	East?	5	Q Aside from Mr. Fong, did anyone else
6	A I didn't know them.	6	working with Won & Har do anything?
7	Q Did you know anything about it's	7	A No.
8	totally possible that I'm the one who's at fault here.	8	Q Now, did you direct Mr. Fong to do
9	So let me try again.	9	anything to investigate TYT East?
10	When I ask you what you knew about TYT	10	A I left it up to him. I trust him.
11	East, if you knew that it was a new corporation that had	11	Q Did you ask him to investigate TYT East
12	been formed recently, that's something about TYT East.	12	or are you saying that you trusted him to do whatever was
13	I'm asking for any facts, any information, anything you'd	13	appropriate?
14	heard, anything about TYT East that you knew beyond the	14	A I trusted him to do what was appropriate.
15	fact that that was the name of the company. So let me	15	Q Did you have a conversation with him
16	start again.	16	about investigating TYT East at any point?
17	What at the time you negotiated this	17	A No.
18	well, withdraw that.	18	Q Do you know for a fact whether he did
19	At the time this lease was signed, up to	19	anything to investigate?
20	that point, what did you know about TYT East?	20	A I have no idea.
21	A I didn't know anything.	21	Q That's something we would need to ask
22	Q You just knew it was called TYT East and	22	Mr. Fong; is that right?
23	that was it?	23	A Sure.
24	A Yeah.	24	Q Would anyone else know is what I'm asking
25	Q And if I understand you right, you didn't	25	besides Mr. Fong?
	Page 46		Page 48
1	D. Leong	1	D. Leong
2	do anything to try and learn about TYT East before	2	A No.
3	signing the lease?	3	Q Did you have any requirements that you
4	A Yeah.	4	conveyed or told Mr. Fong about who you would enter into
5	MS. LUTTATI: Other than having	5	a lease with?
6	counsel.	6	That's a terrible question. I withdraw
7	Q Do you want to clarify? You can expand	7	it. I'm sorry.
8	your answer.	8	MR. BERKOWITZ: It wasn't
9	A Yeah. I had my lawyer. My lawyer looked	9	horrible.
10	at it.	10	MR. WILSON: There have been
11	MR. WILSON: Can we go off the	11	better, there have been worse. But
12	record for one second?	12	let me go a different way.
13	(Off the record discussion.)	13	Q You said earlier that there were a couple
14	MR. WILSON: We can go back on.	14	of things that concerned you about any deal you would
15	Thank you.	15	enter into. I think one of them was the rent, right?
16	BY MR. WILSON:	16	A Yes.
17	Q Let's try this again because it may be	17	Q And one was that it be for 20 years, the
18	that there's some lack of clarity.	18	lease.
19	What if anything did you personally do to	19	A Yes.
20	find out more about TYT East Corporation prior to the	20	Q And from the discussion of that earlier
21	lease being signed?	21	proposal, I know that one of them was that there not be
22	A I let my lawyers do it.	22	residential use.
23	Q So we'll come to your lawyer in a second.	23	A Yeah.
24	You personally didn't do anything?	24	Q Was there anything else that was
25	A No.	25	important to you in how the property was leased?

12 (Pages 45 to 48)

1 D. Leong 2 A That there's nothing illegal happening 3 there. 4 Q Is that something that you told Mr. Fong? 5 A Yes. 6 Q You told Mr. Fong that you didn't want 1 D. Leong 2 Q He just said that he thought that would? 4 A Yes. 5 Q And he said he thought they would to pay the rent?	t they
2 A That there's nothing illegal happening 3 there. 4 Q Is that something that you told Mr. Fong? 5 A Yes. 5 Q And he said he thought that	t they
3 there. 4 Q Is that something that you told Mr. Fong? 5 A Yes. 5 Q And he said he thought they wo	
4 Q Is that something that you told Mr. Fong? 4 A Yes. 5 A Yes. 5 Q And he said he thought they wo	
5 A Yes. 5 Q And he said he thought they wo	
	ould be able
7 anyone who would do anything illegal? 7 A Yes.	
8 A Yes. 8 Q And he didn't tell you about the	ir plans
9 Q Anything else? 9 for the property?	ni piwiis
10 A No. 10 A No.	
11 Q There is nothing that you conveyed to 11 Q So in deciding to enter into the	lease
12 Mr. Fong about the type of person or company you wanted 12 with TYT East, you were just taking Mr. F	
13 to do business with? 13 it that they would be good?	
14 A Well, of course, we want someone who is 14 A Yes.	
15 good, you know. Just common sense. 15 Q And you don't know how he rea	ached that
16 Q Is it common sense you trusted Mr. Fong 16 conclusion?	aonoa mat
to have or is that something you conveyed to him in some 17 A No, I don't.	
18 way? 18 Q Did Mr. Fong come up with the	numbers for
19 A I did convey it to him. 19 the annual rent or were you involved in that	
20 Q You told him that you wanted someone 20 conversation?	
21 well, don't let me tell you. 21 A It was negotiated.	
22 What exactly, as best you can recall, did 22 Q What was the starting point that	t vou guvs
23 you tell Mr. Fong you wanted in a lessee?  23 proposed?	
24 A That he would be able to pay the rent and 24 A I don't remember.	
25 he would be a good tenant. 25 Q Were you involved in the discussion of the discus	ssion about
Page 50	Page 52
D. Leong 1 D. Leong	
2 Q Did you say anything beyond that he would 2 that or did you leave it up to Mr. Fong?	
3 be a good tenant? Did you explain that in any way?  3 A I left it up to Mr. Fong.	
4 A No. 4 Q So your direction to him was wh	nat about
5 Q And did Mr. Fong tell you anything about 5 the rent level that you wanted?	
6 TYT's ability to the pay rent? 6 A We were looking for about \$20	million for
7 A No. 7 20 years.	
8 Q Did he tell you anything about why he 8 Q And you told that to Mr. Fong?	
9 thought they would be a good tenant? 9 A Yeah.	
10 A No. 10 Q Anything else that you told him	beyond I
11 Q Did he tell you that he thought they 11 would like \$20 million over 20 years?	
12 would be a good tenant? 12 A No. That's it.	
13 A Yes. He said they would be a good 13 Q I apologize because I haven't do	ne the
14 tenant. 14 math. Do you know if this \$20 million ove	
15 Q And just to make sure that I'm totally 15 agreed to?	
16 clear, you relied entirely on that statement from 16 A No. It's more.	l
17 Mr. Fong in choosing to agree to have TYT be the lessee? 17 Q More than \$20 million.	
18 A I don't understand that. 18 A Yeah.	l
19 Q You didn't know anything about TYT East. 19 Q Let's talk more about the meetin	ıg you had
20 We covered that, right? 20 where you signed the lease.	- 1
21 A Yes. 21 You said Connie Chan was there.	.
22 Q And Mr. Fong didn't tell you anything 22 A Yes.	l
23 about them that would explain why he thought they would 23 Q How many other people from T	YT?
24 be a good tenant. 24 A I think like maybe three.	
25 A Yes. 25 Q Men or women?	l

	Page 53		Page 55
1	D. Leong	1	D. Leong
2	A I'm not sure. I think might have been a	2	Q Other than it being a fair rent, was
3	mix. I'm not sure.	3	there any reason you thought they were going to live up
4	Q And what was discussed about well,	4	to the terms of the lease?
5	what was discussed at that meeting, aside from just the	5	A No.
6	signing of the lease?	6	Q Prior to taking the lease, you hadn't
7	A It was just the signing.	7	been able and by sorry. Won & Har had not been
8	Q You said Miss Chan told you about their	8	able to get that much money out of the building, right?
9	plan to convert the property to office space, right?	9	A No. It's a totally different building.
10	A Yeah.	10	Q Well, it's the same building.
11	Q What did she tell you about that?	11	A It's the same building but would be
12	A She just said they plan to make it into	12	different use.
13	an office building. That's it.	13	Q But they were going to have to pay to
14	Q Any details about it?	14	convert it to the different use.
15	A No.	15	A Yes.
16	Q Did she tell you when they were planning	16	Q Which is exactly what you hadn't wanted
17	to do it?	17	to do.
18	A No.	18	A No.
19	Q Told you nothing else about it, just that	19	Q So why did you assume that they would be
20	they were going to convert it to an office building?	20	able to do it with no problems?
21	That's it?	21	A Because we gave them the first five
22	A Yes.	22	years, the rents are much lower. That's why. It gives
23	Q Anyone else contribute to that	23	them a chance to payoff their loan.
24	conversation?	24	Q Sir, after the first year the rent is
25	A No.	25	higher than you were making from the building, right?
	Page 54		Page 56
1	D. Leong	1	D. Leong
2	Q Did you discuss anything else at that	2	A Yes. But the next four years it stays
3	meeting?	3	the same without any increases at all.
4	A No.	4	Q So if it was so easy to do this and you
5	Q Did you ask any questions about their	5	didn't have to worry about whether they could, why didn't
6	plan?	6	you do it yourselves?
7	A No.	7	A I don't want the hassle doing it.
8	Q You weren't interested in what they were	8	Q So you figured essentially anyone could
9	going to do?	9	do it; it would just be a hassle?
10	A They had use of the whole building.	10	A Yes.
11	That's what they wanted.	11	Q Was there any payment made by TYT at the
12	Q What they were going to do was going to	12	time of the lease when they signed it?
13	determine whether you could get the rent that you asked	13	A Security deposits.
14	for, right?	14	Q And how much was the security deposit?
15	A That would be their problem, then.	15	A Three hundred something thousand.
16	Q Well, you wanted the rent, though.	16	Q No other payment was made at the time?
17	A If they can't pay it for it, I would take	17	A No.
18	it back, then.	18	Q No signing payment, nothing like that?
19	Q So you didn't really care whether they	19	A No.
20	were able to actually live up to the lease or not?	20	Q And under the terms of the lease, in
21	A No. They could live up to the lease	21	addition to the rent, TYT was also responsible for some
22	agreement. I felt that they could live up.	22	other incidental payments, right?
23	Q Why did you think that?	23	A I don't understand.
24	A I just felt it, you know. It's a fair	24	Q It may be easier if I show you a
25	rent.	25	document. Hold on one second.

	Page 57		Page 59
1	D. Leong	1	D. Leong
2	MR. WILSON: I'm marking	2	Q When did they first stop paying their
3	Government Exhibit 2 which is an	3	rent?
4	invoice No. 1020 dated June 30, 2010	4	A March no. February.
5	from Won & Har Realty Company	5	Q February of 2012?
6	excuse me Won & Har Realty Corp.	6	A Yeah.
7	to TYT East Corporation.	7	Q So through February of 2012, Won & Har
8	(Whereupon, the	8	paid everything sorry TYT East paid everything it
9	above-referenced document was	9	owed Won & Har?
10	marked as Government's Exhibit No.	10	A I don't understand.
11	2 for identification as of this	11	Q Up until February 2012, TYT East paid all
12	date.)	12	its bills to Won & Har?
13	Q Take a moment to review that. Let me	13	A I still don't understand.
14	know when you've had a chance.	14	Q So each month you'd send out an invoice
15	A Sure. No problem.	15	like that?
16	Q This is an invoice Won & Har sent to TYT,	16	A Yes.
17	right?	17	Q Until February 2012, Won & Har has been
18	A Yes.	18	paid for all of them?
19	Q Related to the lease on the building?	19	A Yes.
20	A Yes.	20	Q TYT East is current through February 2012
21	Q Just looking, if you will, at the "Bill	21	on everything it owes?
22	To" section right below TYT East and its address, there's		A No. They also had a court case and they
23	the rent, right?	23	made other payments also, another 200,000.
24	A Yes.	24	Q Up to February 2012, they fully paid,
25	Q And then there's some other charges.	25	right?
	Page 58		Page 60
1	D. Leong	1	D. Leong
2	A Yes.	2	A Yes.
3	Q Property taxes, insurance and water and	3	Q And then there's some additional money
4	sewer charges.	4	they paid since?
5	A Yes.	5	A Yes.
6	Q TYT was responsible for those under the	6	Q Now, how do you collect rent?
7	terms of the lease, right?	7	A I would call them and go there and pick
8	A Yes.	8	it up when it's ready.
9	Q Were there other expenses associated with	9	Q First of the month or was there another
10	the building that TYT wasn't responsible for?	10	time?
11	A They were responsible for everything.	11	A Whenever they have the money ready.
12	Q So Won & Har had no responsibilities for	12	Q Would they call you to let you know they
13	paying for anything with respect to the building under	13	had it ready or you'd just check up on them?
14	the lease?	14	A I would check on them; they would call me
15	A Yes.	15	sometimes. Combination.
16	Q Basically, the property taxes would be	16	Q Who were you talking to?
17	covered, the insurance would be covered, utilities would	17	A Connie Chan.
18	be covered, right?	18	Q Anyone else or just Connie?
19	A Yes.	19	A Just Connie.
20	Q And so the rent was essentially just pure	20	Q Do you happen to remember the number that
21	profit to Won & Har?	21	you called?
22	A Yes.	22	A No, I don't have it off my head.
23	Q Now, my understanding, sir, is that TYT	23	Q And when you found out that they had the
24	East is currently behind on the rent; is that right?	24	money, you said you would go and get it?
25	A Yes.	25	A Yes.

		Page 61			Page 63
1		D. Leong	1		D. Leong
2	Q	You personally?	2	Q	Do you remember how long they were there,
3	À	Yes.	3	on the fifth	
4	Q	Anyone else ever go?	4	A	I don't know exactly. Several months.
5	À	No.	5	Q	Do you remember where they started, when
6	Q	Where did you go to collect it?	6	they first n	*
7	À	I would go to their office.	7	A	It was across the street in a basement.
8	Q	And that's in the building?	8	Q	Across the not in the building?
9	À	Yes.	9	_	Not in the building.
10	Q	And I think it's changed over the time	10	Q	When did they move into the building? Do
11	-	have been there, where the office is, right?	11	you remen	,
12	A	Yes. They moved around.	12	A	I think about six months, eight months
13	Q	Which do you remember any of the suite	13	after const	
14	-	that you went to?	14	Q	When was the construction?
15	A	The last one was 605.	15	À	After they signed the lease.
16	Q	And when was the last time that you went	16	Q	So was it six to eight months after they
17	-	a rent check there?	17	~	lease or was there a construction period and
18	10 0011001	I'm sorry. Let me step back.	18	_	eight months?
19		Did they pay by check or	19	A	No.
20	A	Check.	20	Q	Sorry. Why don't you just walk
21	Q	When was the last time that you went to	21		in your own words, just walk me through from
22	-	rent check?	22	_	signed the lease, what construction was done.
23	A	I think it was March, I think. Yeah.	23	A	They signed the lease. They had tenants
24	Q	And were you going every month at some	24		have to remove before they could start
25		get the check?	25		on. And that took several months. And then
	point to g			Construction	
1		Page 62			Page 64
1	A	D. Leong	1	41	D. Leong
2 3	A Q	Yes.  Do you remember any other offices that	2 3	-	ed construction.  How did they remove the tenants?
4	-	other than 605?	4	Q A	I don't know.
	-		5		These are the tenants who were listed in
5 6	A	Exact room number, I don't know. How about floors?	6	Q the leage t	that were there before?
7	Q		7		
	A Fourth fl	They've been in most of all their floors.		A	Yes.
8	rourui ii		8	Q	And that was several months?
9	were who	Do you have any recollection of when they	9	A	Yes.
10 11			10 11	Q	And then they started construction?
12	A	No.		A	Yes.
13	Q	Just that 605 was the last one?	12 13	Q	And how long was the building under
	A	Yes.		constructi	
14	Q	And how long had they been in 605? Do	14 15	A	It's always been under construction.
15 16	you reme		16	initial one	About six to eight months, I think, the
17	A think.	I think that was since November, I	17		
18		Navambar of 20119	18	Q the constr	When did they have tenants in again after ruction started?
	Q	November of 2011?	19		
19	A	Yes.	20	A	Oh, I don't know.
20	Q inst soin	And I know you've already answered. I'm	20	Q	Well, let me ask you this way:
21 22	just going	g to see if it jogs your memory.	22		When was the first time you knew that
1	hafa== 41.	Do you remember where they were right	23	-	tenants in the building again?
$\sim$	before th	ey moved to 605?		A	I don't remember.
23		I think it was somewhere is the CAL		$\sim$	Wall tall may risk on the finet time a
23 24 25	A floor.	I think it was somewhere in the fifth	24 25	Q	Well, tell me when the first time you red that there were tenants was?

	Page 6	5	Page 67
1	D. Leong	1	D. Leong
2	A Maybe about a year and a half or so after	2	Q Why not?
3	the signing of the lease.	3	A I just don't, you know. I don't see a
4	Q The lease was signed in December 2008?	4	reason why, you know.
5	A Yeah.	5	Q You weren't interested is how they were
6	Q So a year and a half, December 2009.	6	doing with the building?
7	Middle of 2010?	7	A Well, I'm getting my rent check, right.
8	A I'm not sure. It's a guess.	8	Q So as long as you were getting your rent
9	Q I understand. Let's start here.	9	check, you didn't care what was going on with the
10	Was it in 2009? Could it have been then	10	building?
11	or is it definitely 2010?	11	A No.
12	A It could be somewhere around there. I'm	12	Q No, you didn't care as long as you were
13	not sure.	13	getting your rent check or sorry. My question may
14		14	have been ambiguous.
	Q When you went to collect the rent checks,	15	•
15	did you see anyone there other than Connie Chan?		If you were getting your rent check, did
16	A No.	16	you care what was going on, what they were doing?
17	Q She was the only person who was ever in	17	A Yes. If it's something illegal, of
18	the office when you went?	18	course.
19	A She was the only one that spoke English.	19	Q Okay. Regardless of whether you cared if
20	Q Forget who you spoke to for a second.	20	there was something illegal going on, you weren't
21	Was there anyone else who you saw when you went		interested in talking to Miss Chan about what they were
22	collect the rent?	22	doing with the building?
23	A No. She would be in the morning. She	23	A They negotiate to have rights to do what
24	would be there by herself in the morning.	24	they want with the building.
25	Q You always collected the rent in the	25	Q I understand. They had the right to do
	Page 6	5	Page 68
1	Page 6 D. Leong	5 1	Page 68 D. Leong
1 2			
	D. Leong	1	D. Leong
2	D. Leong morning?	1 2	D. Leong whatever they wanted with the building, right?
2	D. Leong morning? A Yeah.	1 2 3	D. Leong whatever they wanted with the building, right? A Yeah.
2 3 4	D. Leong morning?  A Yeah.  Q What time well, was there a particular	1 2 3 4	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out
2 3 4 5	D. Leong morning?  A Yeah.  Q What time well, was there a particular time?	1 2 3 4 5	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was?
2 3 4 5 6	D. Leong morning?  A Yeah. Q What time well, was there a particular time? A About ten.	1 2 3 4 5 6	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office.
2 3 4 5 6 7	D. Leong morning?  A Yeah. Q What time well, was there a particular time? A About ten. Q Any particular reason why you did it that way? Just convenient for you?	1 2 3 4 5 6	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second.
2 3 4 5 6 7 8	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you?	1 2 3 4 5 6 7 8	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your
2 3 4 5 6 7 8 9	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.	1 2 3 4 5 6 7 8 9	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second.
2 3 4 5 6 7 8 9	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went	1 2 3 4 5 6 7 8 9	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent.
2 3 4 5 6 7 8 9 10	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent?	1 2 3 4 5 6 7 8 9 10	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there
2 3 4 5 6 7 8 9 10 11	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that	1 2 3 4 5 6 7 8 9 10 11	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything
2 3 4 5 6 7 8 9 10 11 12 13 14	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it.	1 2 3 4 5 6 7 8 9 10 11 12 13 14	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	D. Leong morning?  A Yeah. Q What time well, was there a particular time? A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning? A Yeah, I said hello. But you know, that	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No. Q Did you ever talk to anyone else at TYT
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning? A Yeah, I said hello. But you know, that was it.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No. Q Did you ever talk to anyone else at TYT about the building?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	morning?  A Yeah. Q What time well, was there a particular time? A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning? A Yeah, I said hello. But you know, that was it. Q So you'd say hello. You took your check.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No. Q Did you ever talk to anyone else at TYT about the building? A No. I only talked to her.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning? A Yeah, I said hello. But you know, that was it. Q So you'd say hello. You took your check. And never had a conversation more substantive than tha	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No. Q Did you ever talk to anyone else at TYT about the building? A No. I only talked to her. Q Did you ever talk to her aside from the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning? A Yeah, I said hello. But you know, that was it. Q So you'd say hello. You took your check.  And never had a conversation more substantive than that A No. Well, I don't remember.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No. Q Did you ever talk to anyone else at TYT about the building? A No. I only talked to her. Q Did you ever talk to her aside from the phone calls about the rent check?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning? A Yeah, I said hello. But you know, that was it. Q So you'd say hello. You took your check.  And never had a conversation more substantive than that A No. Well, I don't remember. Q As best you recall.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No. Q Did you ever talk to anyone else at TYT about the building? A No. I only talked to her. Q Did you ever talk to her aside from the phone calls about the rent check? A No. If there was a problem or a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning? A Yeah, I said hello. But you know, that was it. Q So you'd say hello. You took your check.  And never had a conversation more substantive than that A No. Well, I don't remember. Q As best you recall. You don't ever recall having a	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No. Q Did you ever talk to anyone else at TYT about the building? A No. I only talked to her. Q Did you ever talk to her aside from the phone calls about the rent check? A No. If there was a problem or a violation, I would call her and I would tell her we have
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning? A Yeah, I said hello. But you know, that was it. Q So you'd say hello. You took your check.  And never had a conversation more substantive than that A No. Well, I don't remember. Q As best you recall. You don't ever recall having a conversation with her that went beyond	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	whatever they wanted with the building, right?  A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No. Q Did you ever talk to anyone else at TYT about the building? A No. I only talked to her. Q Did you ever talk to her aside from the phone calls about the rent check? A No. If there was a problem or a violation, I would call her and I would tell her we have a problem.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	D. Leong morning?  A Yeah. Q What time well, was there a particular time?  A About ten. Q Any particular reason why you did it that way? Just convenient for you? A I'm a morning person. I'm up at five.  So Q Did you talk to Miss Chan when you went to pick up the rent? A No. I just picked up the rent and that was it. Q You didn't say hello, good morning? A Yeah, I said hello. But you know, that was it. Q So you'd say hello. You took your check.  And never had a conversation more substantive than that A No. Well, I don't remember. Q As best you recall. You don't ever recall having a	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	D. Leong whatever they wanted with the building, right? A Yeah. Q You weren't interested in finding out what that was? A But they submitted me plans that they would convert it over to office. Q We'll come back to the plans in a second. I'm just trying to understand your testimony about talking to Miss Chan when you went to pick up the rent. A Yeah. I just go there Q You never talked to her about anything related to the building? A No. Q Did you ever talk to anyone else at TYT about the building? A No. I only talked to her. Q Did you ever talk to her aside from the phone calls about the rent check? A No. If there was a problem or a violation, I would call her and I would tell her we have

		Page 69			Page 71
1		D. Leong	1		D. Leong
2	A	Violations.	2	Q	So you sent the letter to Connie?
3		I would just mail it over to her and she	3		Yes.
4	said she	would correct them.	4		Did you have any conversation about this?
5	Q	Do you remember any particular occasions	5		She said she would handle it.
6		s happened?	6		Anything else?
7	A	Oh, I don't remember.	7		No.
8	Q	Do you remember how many times, roughly,	8		Is that what happened with the other
9	it happen		9	violations a	
10	A	No, I don't.	10	A	Yes.
11	Q	Was it less than five?	11	Q	Did you ever have any substantive
12	À	I think maybe more than that, I	12	-	on with her, when you were talking about the
13	think.	,	13		about the violations or what was going on
14	Q	More than ten?	14	with the bu	
15	À	I don't think so, no.	15		No. It was her job to fix them.
16	Q	Probably five to ten, you think?	16		So you just alerted her to the fact that
17	À	Yeah. Something like that.	17	these had c	
18		MR. WILSON: I'm going to mark	18	A	Yeah. And she said she would fix em.
19		as Government Exhibit 3 a letter	19	Q	And that's all you remember discussing
20		dated February 14th, 2012 to TYT East	20	with her at	
21		Corp. from Won & Har Realty Corp. I	21		Yeah.
22		believe it's not signed. But your	22	Q	Any other let me just keep these all
23		name is written, typewritten at the	23	consistentl	
24		bottom. It says, "Dear Connie."	24		Any other conversations you remember
25		· .	25		h Miss Chan?
		Page 70			Page 72
1		D. Leong	1		D. Leong
2		(Whereupon, the	2	A	I don't.
3		above-referenced document was marked	3	Q	Just to make sure I've got it, the only
4		as Government's Exhibit No. 3 for	4	times you r	remember talking to Miss Chan is when you
5		identification as of this date.)	5	called abou	it collecting the rent, when you went over to
6	Q	Take a minute to flip.	6	collect the	rent, and probably five to ten times when
7	A	Okay.	7	there was a	violation of some kind?
8	Q	Do you remember writing this letter?	8	A	Yeah.
9	A	Yeah.	9	Q	That's it?
10	Q	What was this about?	10	A	Yeah.
11	A	I received these two letters from the	11	Q	And you never spoke to anyone else at TYT
12	, ,	artment that wanted to do inspection. So I sent	12	East at any	
13	it to her.		13		Yeah.
14	Q	You can look at the second page. You'll	14		Do you know who anyone else who works for
15		he first-line after the salutation, "Dear Won &	15	TYT East is	
16		ty Corp." is: "This Department has received the	16		No.
17		mplaint regarding alleged illegal conditions at	17		Even sitting here today, you don't know?
	the refere	enced premises." The second letter has the same			No, I don't know who they are.
18			19	Q	And again, just to be clear, I think we
19	first line.				·
19 20	first line.	Do you remember what the condition was?	20		e conversations when you saw Miss Chan. We
19 20 21	first line.	Do you remember what the condition was? No, I don't.	20 21	covered the	e one when you had the violations. When you
19 20 21 22	first line.  A Q	Do you remember what the condition was?  No, I don't.  Do you know anything about the substance	20 21 22	covered the called abou	e one when you had the violations. When you at collecting the rent, did you ever discuss
19 20 21 22 23	first line.  A Q of these -	Do you remember what the condition was?  No, I don't.  Do you know anything about the substance the Department of Buildings complaints?	20 21 22 23	covered the called about anything ex	e one when you had the violations. When you
19 20 21 22	first line.  A Q	Do you remember what the condition was?  No, I don't.  Do you know anything about the substance the Department of Buildings complaints?  No. They just said that they couldn't	20 21 22	covered the called about anything excalls?	e one when you had the violations. When you at collecting the rent, did you ever discuss

18 (Pages 69 to 72)

	Page 73		Page 75
1	D. Leong	1	D. Leong
2	Q That's it? You never talked about	2	to them about it.
3	anything else?	3	Q And you generally wouldn't, you think?
4	A No.	4	A No, I don't usually talk to them about
5	Q Do you know any of the subtenants in the	5	it.
6	building?	6	Q Did you talk to them and this is just
7	A No.	7	to try to jog your memory about the lease deal with
8	Q That was not a model of clarity. So let	8	TYT East?
9	me just ask it slightly differently.	9	A No.
10	Did you know who any of the subtenants	10	MR. WILSON: I can press on.
11	were in the building?	11	But if you would like five minutes to
12	A No.	12	have a little water, that's fine.
13	Q So you don't know if you would have known	13	MS. LUTTATI: Let's take a
14	the people because you have no idea who they were?	14	break.
15	A I have no idea.	15	MR. WILSON: We can go off.
16	Q Did you ever speak to anyone else about	16	(Whereupon, at 12:04 p.m. a
17	the building and how it was going, what was going on	17	recess was taken until 12:11 p.m.)
18	there?	18	MR. WILSON: We can go back on.
19	A No.	19	EXAMINATION (CONT'D.)
20	Q Did you ever speak to anyone about your	20	BY MR. WILSON:
21	getting your rent and how the business was going?	21	Q Now, Mr. Leong, at some point Won & Har
22	A No.	22	became aware that there was illegal gambling happening in
23	Q Not even anyone else affiliated with Won	23	35-37 East Broadway, right?
24	& Har?	24	A I don't understand.
25	A I ran Won & Har.	25	Q Sure.
	Page 74		Page 76
1	D. Leong	1	D. Leong
2	Q Are your parents still alive?	2	At some point you learned that there was
3	A Only my dad.	3	gambling going on at the building, right?
4	Q I'm sorry about your mom.	4	A From July, right?
5	Do you speak to your dad about the	5	Q That's my question.
6	business at all?	6	Let's start here. You did learn that at
7	A No.	7	some point?
8	Q How about your brother?	8	A I learned in July.
9	Well, you have a brother who is also a	9	Q And that's July 2011?
10	shareholder, correct?	10	A Yeah.
11	A Yes.	11	Q How did you learn that?
12	Q Do you speak to him about the business?	12	A Someone told me that the building was in
13	A No.	13	the newspaper about illegal gambling.
14	Q Just to make sure I'm clear, they're	14	Q Do you remember who that was?
15	shareholders in the company?	15	A No, I don't.
16	A Yes.	16	Q What did you do when they told you that?
17	Q You haven't spoken to them about the	17	A I contacted my lawyers.
18	business at all in the last six years?	18	Q Did you look at the newspaper?
19	A I don't usually talk to him about it.	19	A Yeah, I got a copy.
20	They let me run it, you know.	20	Q And what did the newspaper say?
21	Q Do you mean that you don't have a	21	A I don't read Chinese. That's the only
22 23	particular recollection or memory of having a	22 23	thing. So
24	conversation with them or are you saying that you are	23	Q It was a Chinese language newspaper?
∠ 4	sure you haven't spoken to them in six years about A No, I don't have any recollection I spoke	24 25	A It was a Chinese language newspaper.  Q Could you tell that there was in fact a
25	A No, I don't have any recollection I spoke		

		Page 77		Page 79
1		D. Leong	1	D. Leong
2	story abo	out it in the paper?	2	Q Then you sent a Notice to Cure to TYT?
3	A	I brought it up and showed it up to my	3	A Yes. That's what he suggest I do.
4	lawyer's		4	Q And why did he say you do that?
5	Q	So you brought the fact of the story to	5	A To fix the problem.
6	your law	yer's attention?	6	Q How was it going to fix the problem?
7	A	Yeah.	7	A They were either going to throw them out
8	Q	What else, if anything, did you learn	8	or I would end up throwing out TYT.
9	about gar	mbling in the building at that time?	9	Q Who was TYT going to throw out?
10	Ă	That was it, you know.	10	A The ones who did the illegal gambling.
11	Q	What did you tell your lawyer to do?	11	Q How do you know who had done the illegal
12	A	I told him to contact the Police	12	gambling?
13	Departm	ent.	13	A I didn't. I just showed him the
14	Q	Do you know if he did contact the Police	14	newspaper article.
15	Departm	ent?	15	Q Who did he say had done the illegal
16	A	Yes, he did.	16	gambling?
17	Q	And what did you want him to do when he	17	A Who? I don't understand.
18	talked to	the Police Department?	18	Q You said that you were trying to throw
19	A	To throw out the tenants, you know.	19	out the people who had done the illegal gambling, right?
20	Q	Can you	20	A Yeah.
21	A	To get information so that we can process	21	Q And from someone, I guess, and tell me if
22	and throv	v out the tenant.	22	I'm wrong withdrawn.
23	Q	And the tenant being TYT East?	23	You learned from somebody that there were
24	A	Yes.	24	particular people responsible for the illegal gambling?
25	Q	And what information did he get from	25	A No, I did not learn from someone. All I
		Page 78		Page 80
1		D. Leong	1	D. Leong
2	NYPD?		2	knew was from the newspaper article.
3	A	I don't know.	3	Q But you said you couldn't read the
4	Q	Did you try to throw TYT East out at that	4	newspaper article.
5	time?		5	A I couldn't read the newspaper article but
6	A	No. We sent a Notice to Cure to TYT.	6	it listed several rooms in the newspaper article.
7	Q	And why did you do that?	7	Q So there were several rooms that you had?
8	A	That's what my lawyer told me to do.	8	A Yeah.
9	Q	And what was well, what was the	9	Q And what you were going to do well,
10	purpose o	f sending the Notice to Cure? What was your	10	you tell me. What was it you were trying to accomplish
11	goal? Stil	ll to get rid of TYT East?	11	at that point?
12	A	To get rid of all the illegal activities	12	A To get rid of the illegal activities.
13	there.		13	Q And how were you going to do that?
14	Q	How was sending a Notice to Cure going to	14	A I had my lawyers do it.
15		at? How was it going to do it?	15	Q What actions did you direct your lawyers
16	A	I don't understand.	16	to take?
17	Q	I'm just trying to understand, sir, what	17	A I told them to take whatever action is
18	•	n behalf of Won & Har when you found out there		necessary.
19	_	l gambling.	19	Q To do what?
20		So you went to your lawyer?	20	A To get rid of the illegal activities.
21	A	Yes.	21	Q And what they came up with was this
22	Q	And you told him to call the police?	22	Notice to Cure?
23	A	Yes.	23	A Yes.
	Q	And he called the police?	24	Q Why didn't you start eviction proceedings
24 25	A	Yes.	25	against TYT East?

		Page 81		Page 83
1		D. Leong	1	D. Leong
2	A	I didn't have proof. Okay.	2	Q So why didn't you file an action to evict
3	Q	You didn't have proof of what?	3	them then?
4	À	Of the illegal activities.	4	A I don't know, you know.
5	Q	Let me make sure I understand.	5	Q Did you do anything, aside from sending
6		The reason you didn't pursue action	6	this Notice to Cure, once you learned that there was
7		YT East then was you didn't have proof of the	7	gambling going on in the building?
8	illegal act	, ,	8	A That was it. We sent a Notice to Cure.
9	A	All I had was the newspaper article.	9	Q I want to make crystal clear. You didn't
10	That was		10	do anything else, having learned about illegal gambling
11	Q	You never got more than the newspaper	11	in the building, except send this Notice to Cure?
12	article?	2 cu se se se ga se	12	A Yes, that was it.
13	A	No, I never got anything more than that.	13	Q What happened after you sent the Notice
14	Q	I thought you told me your lawyer	14	to Cure?
15	-	the NYPD?	15	A They sent us back surrenders of the lease
16	A	Yes, he did.	16	from the tenants.
17	Q	And what did he learn from the NYPD?	17	Q And those were the tenants in the rooms
18	A	I don't know. I had him contact them.	18	where there had been gambling going on?
19		st told me go with the Notice to Cure.	19	A Yeah.
20	0	Tell me everything that you remember	20	Q What did you do when you got those
21		at he told you about the Notice to Cure and why	21	surrenders to the lease?
22		what you should do.	22	A I don't understand. What did I do?
23	A	He said that was our only option, to do	23	Q What did you do having received the
24	the Notice		24	surrenders of the lease?
25	Q	He said that was your only option?	25	A There was nothing else I could do.
	<u> </u>	Page 82		Page 84
1		D. Leong	1	D. Leong
2	A	Yeah.	2	Q You accepted that there was no longer a
3	Q	Did he say why?	3	problem?
4	À	Because we didn't have any proof. That's	4	A Yes.
5	what he s		5	Q Why?
6	Q	No proof of what?	6	A They got surrender of the lease, the
7	À	Of illegal activity.	7	tenants.
8	Q	You filed an eviction procedure against	8	Q Did you know who those subtenants were?
9	TYT now		9	A No.
10	A	Yes.	10	Q Do you know whether they were the ones
11	Q	Based on their illegal gambling in the	11	responsible for the gambling in the building?
12	building.		12	A No, I don't.
13	A	Yes.	13	Q Did you know whether TYT was responsible
14	Q	What proof do you have now that you	14	for the gambling in the building?
15	didn't hav	re then?	15	A No, I don't.
16	A	We don't. We asked you for witnesses and	16	Q So what led you to believe that the
17	we were	denied witnesses.	17	subtenants moving out would solve the problem of illegal
18	Q	So you have no more proof now than you	18	gambling in the building?
19	did then?		19	A We had the case in November. We had the
20	A	Yes.	20	case in November and the police accepted it.
21	Q	But you filed to evict them?	21	Q We'll get to the case in November in a
22	A	Yes.	22	second. You said you got the surrenders?
23	Q	But you didn't file to evict them then,	23	A Yeah.
24	right?		24	Q And as far as you were concerned that was
25	A	No, I didn't file to evict them then.	25	it, the matter was closed?

	Page 85		Page 87
1	D. Leong	1	D. Leong
2	A Yeah.	2	subleases surrendered, you didn't know whether that would
3	Q And I'm asking you why. What was the	3	stop gambling from going on in the building?
4	reason that you thought that was enough?	4	MR. BERKOWITZ: 2011 or 2012?
5	A There was nothing else I could do.	5	MR. WILSON: 2011.
6	Q We've already established you could have	6	Q Right?
7	tried to evict TYT?	7	A They said they cleaned it up. That's
8	A But I have no proof.	8	what they told me.
9	Q Sir, we may be going around in circles a	9	Q Who told you?
10	little bit. Let me understand. Again, you had no proof	10	A Connie, you know.
11	of the illegal gambling then, right? And you just told	11	Q So you had a conversation with Connie
12	me you have no more proof now then you did back then.	12	about the gambling in the building?
13	A Right.	13	A I just you know, I just asked her, you
14	Q But now you have an eviction pending	14	got to clean it up. That's all.
15	against TYT East.	15	Q When did you talk to Connie?
16	<u> </u>	16	A When I gave her a copy of the papers that
17	A Yes. So we're waiting for the witness.  That's what we're waiting for.	17	were served.
18	Q So you agree with me that you could have	18	Q Which papers? Let's start with that.
19	filed an action to evict them back in July of 2011,	19	A When I saw the illegal activities, I told
20	•	20	
21	right?	21	her, you know.
	That was possible then as it is now,	22	Q I don't know, sir.
22	right?		July 2011 you see a newspaper.
23	A I don't know.	23	A Yes.
24	Q Okay. Who told you that you couldn't	24	Q You go to your lawyer and you talk to
25	bring an eviction action?	25	him.
	Page 86		Page 88
1	D. Leong	1	D. Leong
2	A No one. I thought they solved it by	2	A Yeah.
3	giving me the surrenders of the lease and that would	3	Q Before or after well, did you talk to
4	solve it.	4	anyone from TYT before you sent the Notice to Cure?
5	Q Right. I understood that. My question	5	A What do you mean? I don't understand.
6	is why did you think that?	6	Q Did you talk to anyone who worked for TYT
7	A They got rid of the tenant.	7	East before you sent them the Notice to Cure?
8	Q Okay. And you didn't know, according to	8	A I just told them that there was a
9	your testimony a moment ago, whether the tenants were the	9	newspaper article and that they have to clean that up.
10	ones responsible for the gambling or whether TYT East was		Q So this is before sending the Notice
11	responsible, right?	11	to Cure, you had a conversation with someone.
12	A Yeah.	12	A That was as soon as I got the article,
13	Q So why did you think getting rid of the	13	I called her up.
14	subtenants would solve the problem?	14	Q You called Connie?
15	Let me ask it another way. I think we've	15	A Yeah.
16	already covered that ground.	16	Q What did you say to Connie?
17	If TYT East was responsible for illegal	17	A I just told her you have illegal
18	gambling in the building then removing subtenants	18	gambling. You can't have that there.
19	wouldn't stop the illegal gambling, right?	19	Q What else did you tell her?
20	A Yes.	20	A That was it. I was mad.
21	Q And you didn't know one way or the other	21	Q You said you got illegal gambling and you
22	whether it was TYT East or the subtenants who would have	22	can't have that there?
23	been responsible?	23	A No.
24	A Yes.	24	Q What did she say to you?
25	Q So as of August 2011, when you got these	25	A She said she didn't know. That's all.

	Page 89		Page 91
1	D. Leong	1	D. Leong
2	Q What else did she say?	2	Q Anything else you remember her saying?
3	A That was it.	3	A No.
4	Q When did you next talk to someone from	4	Q After that conversation with Miss Chan,
5	TYT East about the gambling issue?	5	did you have any other conversations with her about
6	A I didn't. You know, I just hand it over	6	gambling in the building?
7	to my lawyer and that was it.	7	A No.
8	Q A couple minutes ago you told me that	8	Q So the next withdrawn.
9	Connie said that they would clean it up and she told you	9	Did you have conversations with anyone
10	that.	10	else from TYT East about gambling in the building?
11	A Yes. She said she would clean it up when	11	A No.
12	I told her that.	12	Q Then you sent a Notice to Cure and you
13	Q I want to go through this step by step	13	got back the surrendered leases. And you know what, let
14	again, sir, because I'm afraid that one of us is getting	14	me just
15	confused.	15	MR. WILSON: To make life
16	You had a conversation with Connie right	16	easier for everyone, I am going to
17	after you saw the article?	17	mark this Government Exhibit 4.
18	A Yeah.	18	It is an Affidavit in
19	Q And you told her you got gambling, you	19	Opposition in Supreme Court of the
20	got to clean it up.	20	State of New York, Index No.
21	A Yeah.	21	402638/11.
22	Q What did she say to you? Tell me	22	It's the Affidavit in
23	everything you remember that she said to you at that	23	Opposition of Damon Leong. And it's
24	point.	24	got Exhibits A through D.
25	A That she would clean it up. That was it.	25	gov zimiowe 11 willowgu z .
	Page 90		Page 92
1	D. Leong	1	D. Leong
2	Q Didn't you just tell me that she said she	2	(Whereupon, the
3	didn't know about it?	3	above-referenced document was marked
4	A I don't understand that. I'm getting	4	as Government's Exhibit No. 4 for
5	confused.	5	identification as of this date.)
6	Q I understand.	6	MR. BERKOWITZ: It's an
7	Why don't we take a step back. I just	7	Affidavit of Mr. Leong?
8	want you to think about everything that she told you. I	8	MR. WILSON: Correct.
9	don't care how trivial it seems. Everything you remember	9	MR. BERKOWITZ: Can I have the
10	that Miss Chan said to you on this call. Take a moment.	10	date of the Affidavit, for the
11	I just want you to think carefully and tell me everything	11	record?
12	you remember her saying because for a couple of times you	12	MR. WILSON: Sure.
13	said all she said was X but X has changed. So take a	13	October 10, 2011.
14	minute. Think about it for a second and then tell me	14	Q So let me just direct your attention to
15	everything you remember Connie Chan saying to you on that		Exhibit B to your Affidavit.
16	phone call.	16	MR. WANG: Where is Exhibit A?
17	A I just told her to clean it up and she	17	MR. WILSON: It may be missing.
18	said she would. That was it.	18	I think this is how it was produced
19	Q She didn't say she didn't know about it,	19	to us.
20	about the gambling?	20	Q Well, actually, if I'm going to ask
21	A No.	21	anyone about Exhibit B, it should be Mr. Fong. So you
22	Q She said she'd clean it up?	22	can skip over to Exhibit C. Go one more page over. It's
23	A Yeah.	23	the one headed Notice to Cure.
	Q Did she say how?	24	This is the Notice to Cure you were
24			
24 25	A No.	25	referring to?

23 (Pages 89 to 92)

		Page 93			Page 95
1		D. Leong	1		D. Leong
2	A	Yes.	2	would on	ly matter if the subtenants were the ones
3	Q	Then if you'll go to D, this is a letter	3	responsib	
4	_	East Corp. dated August 25th, 2011; is that	4	A	Yes.
5	right?		5	Q	If TYT itself was directing the gambling,
6	A	Yes.	6	getting ri	d of the subtenants wouldn't solve the problem,
7	Q	Do you want to look through it?	7	right?	,
8		Is this the letter that you are referring	8	A	But I don't know if TYT was involved.
9		hey sent you the surrendered leases?	9	Q	I understand that. You didn't know. If
10	A	Yes.	10	they were	e, the surrender of the leases wouldn't solve the
11	Q	This is from a Jixiong Ni? Do you see	11	problem,	right?
12	_	e first page?	12	A	Yeah.
13	A	Yes.	13	Q	So as things stood, on August 25, 2011,
14	Q	Do you know who Mr. Ni is?	14	after you	got the surrender of the leases, you didn't
15	À	No.	15	know wh	ether or not you actually solved the problem of
16	Q	So August 25th is when you get this	16		mbling in the building, right?
17	letter?		17	A	Yeah.
18	A	Yes.	18	Q	Did you discuss the gambling in the
19	Q	As of August 25th, you now had no	19	building	with anyone aside from Miss Chan and Mr. Fong?
20	~	ion with TYT East except for that first call	20	A	No.
21		Chan, right?	21	Q	Nobody else?
22	A	Yeah.	22	À	No.
23	Q	You said that the reasons that you	23	Q	Not casual conversation? Nothing?
24		at this letter solved the problem, resolved the	24	À	No.
issue, was because Miss Chan told you that she's cleaned			Q	You personally ever talk to NYPD	
		Page 94			Page 96
1		D. Leong	1		D. Leong
2	things up,	right?	2	or anyon	e in law enforcement? Anything like that?
3	A	Yes.	3	A	The only time was at the original day
4	Q	And because you had these surrendered	4	of the rai	d, I went down to the Police Department.
5	subtenant	leases?	5	Q	Which day? Which raid? Sorry.
6	A	Right.	6	A	The July raid. I went down there to get
7	Q	Now, if TYT East was responsible for the	7	informati	on from the precinct underneath the Williamsburg
8	gambling	, why did either of those things, the	8	Bridge to	find out which tenants were illegal, you know,
9	conversat	ion or the letter, prevent gambling from	9	were invo	olved in the gambling. And that's where they
10	happening	g?	10	gave me	the number and they told me have my lawyer call
11	A	I didn't know if they were responsible.	11	them.	
12	Q	I'm trying to establish that. You didn't	12	Q	So this is on July 20th?
13	know one	way or the other, right?	13	A	I don't know the exact date.
14	A	Yeah.	14	Q	Was it on the day of the raid or the day
15	Q	So you didn't know if either Miss Chan	15	after?	
16		u or the surrender of the leases would prevent	16	A	The day after.
17	the gamb	ling, right?	17	Q	So the day after the raid, you went to
18	A	I don't understand that. You lost me.	18	the precir	nct, the NYPD precinct?
19	Q	If TYT East was itself involved in the	19	A	Yeah.
20	gambling	, would you expect Miss Chan to tell you?	20	Q	That's the one under the Williamsburg
21	A	No.	21	Bridge?	
22	Q	So if they were involved and she said	22	A	Yeah.
23	she'd clea	n it up, she could be lying, right?	23	Q	Do you know which precinct it is?
24	A	Yes.	24	A	I don't know what number it is.
25	Q	And the surrender of the subtenant leases	25		MR. BERKOWITZ: This is July

		Page 97		Page 99
1		D. Leong	1	D. Leong
2		2011?	2	talk to anyone about gambling in the building?
3		MR. WILSON: Yes.	3	A No.
4	Q	And do you remember who you spoke to	4	Q Besides your lawyers.
5	there?	J 1	5	A No.
6	A	No, I don't.	6	Q And this one detective.
7	Q	Just a guy at the desk? Was there a	7	À No.
8	particular	officer that came to talk to you?	8	Q Take a minute and be sure. Are you sure
9	A	They told me to wait and there was a	9	you never spoke to anyone about it?
10	detective	that came down to talk to me. And he gave me	10	A Not to my memory. I don't remember.
11	the numb	er and told me I have to have my lawyer call	11	Q And the lawyers you've spoken to about
12	them.		12	the topic of gambling in the building are Mr. Fong?
13	Q	What did you tell him?	13	A Yes.
14	À	That I wanted to throw them out, you	14	Q And obviously Mr. Composto and his firm?
15	know.	, ,	15	A Yes.
16	Q	Did you tell them who you were?	16	Q Any other lawyers that you've spoken to
17	À	Yes.	17	about this?
18	Q	You said you were the president	18	A No.
19	A	The landlord.	19	Q Mr. Eng?
20	Q	The landlord.	20	A Oh, yeah, Donald Eng. He's the one
21		What did you ask him for?	21	that's doing the tenant eviction.
22	A	For the information on which room were	22	Q Donald Eng, E-N-G.
23	involved	in gambling.	23	There's a lot of people and I totally
24	Q	And he gave you a number?	24	understand it, sir. That's why I'm asking.
25	A	Yeah.	25	Give it one second. Think again. Think
		Page 98		Page 100
1		D. Leong	1	D. Leong
2	Q	Did he say anything else to you at the	2	if there is anyone else, lawyers, anyone else. Just take
3	time?		3	30 seconds and think about it. And if there isn't, there
4	A	No.	4	isn't.
5	Q	Did he give you the room numbers?	5	A No, not to my recollection.
6	À	No.	6	Q Okay.
7	Q	He gave you a phone number to call?	7	I think we've covered this but I'll just
8	À	Yes. For my lawyer to call. He says I	8	make sure to keep the record clear.
9	can't get	the information.	9	Aside from sending a Notice to Cure, did
10	Q	Anything else happen during that	10	you do anything else at this time to try and prevent
11	conversa		11	illegal gambling in the building?
12	A	No. That was it.	12	A No.
13	Q	You left at that point?	13	Q Now, did you get any other communication
14	À	Yes.	14	of any sort from TYT East about the gambling, besides
15	Q	Did you talk to anyone else about	15	that August 25th letter?
16	gambling	•	16	A No.
17	A	No.	17	Q They never told you anything about what
18	Q	No other police officers?	18	they were doing to prevent gambling in the building?
19	A	No.	19	A No.
20	Q	No other people?	20	Q Did you do anything between July 2011 and
21	A	No.	21	May 21, 2012, the day of the second withdrawn.
22	Q	Any other lawyers aside from Mr. Fong?	22	I'm going to get tangled up.
23	A	No.	23	You know there was the raid in 2011, July
24	Q	As long as we are on the subject, beyond	24	2011?
25	just the ti	ime around the July 2011 search, did you ever	25	A Yeah.

D. Leong   A A Yeah.   A Yeah.   A Peah.   A No.   Collect rent?   Collect rent?   Collect rent   Colle			Page 101		Page 103
2 Q And you know there was another raid in 3 May 2012? 4 A Yeah. 5 Q In-between those two, did you do anything 6 to determine if gambling was still going on in the 7 building? 8 A No. 9 Q Did you ever go to the building other 11 than to collect reni? 12 Q Your office is at 72 Mott Street, right, 13 Won & Har's? 14 A Yes. 15 Q How far away is that from the building? 16 A Three blocks. 17 Q Do you ever walk by it? 18 A I don't understand your question. 19 Q Sorry. That was a terrible question. I 20 apologize. Withdrawn. 21 Do you cver walk by it? 22 in your day-to-day life? 23 A No. 24 Q Never? Never go to get lunch somewhere that's the other direction on Fast Broadway? 25 that's the other direction on Fast Broadway? 26 A No. 27 Q Now, as you sit here today you know that there was gambling going on in the building after July 2011; right? 28 A No. 29 A No. 20 So So the only time you are even in front of the building or see the building is when you go to collect reni? 29 July 2011, right? 20 A Yes. 21 Q So you don't know if there was gambling before July 2011 or after July 2011; right? 21 D D Sure. July 2011 you knew there was gambling going on in the building after July 2011 or after July 2012	1		D. Leong	1	D. Leong
May 2012?  A Yeah.  O In-between those two, did you do anything to determine if gambling was still going on in the building?  A No.  O Did you ever go to the building other than to collect rent?  A No.  O Your office is at 72 Mott Street, right, than the collect rent?  A Yes.  O Do you ever walk by ir?  A Three blocks.  O Do you ever walk by ir?  A I don't understand your question. I apologize. Withdrawn.  Do you ever walk by 35-37 East Broadway in your day-to-day life?  A No.  O Never? Never go to get lunch somewhere that's the other direction on East Broadway?  D D. Leong  A No.  O Now, as you sit here today you know that there was gambling side you know with the building sider July 2011, right?  D A Loong  A No.  O Now, as you sit here today you know that there was gambling going on in the building after July 2011, right?  A Yes.  O Now, as you sit here today you know that there was gambling going on in the building after July 2011, right?  A Yes.  O Now, as you sit here today you know that there was gambling going on in the building after July 2011, right?  A Yes.  O Now, as you sit here today you know that there was gambling going on in the building after July 2011, right?  A Yes.  O Now, as you sit here today you know that there was gambling going on in the building after July 2011, right?  A Yes.  O Now have very conduction.  O So the only time you are even in front of the building of the building after July 2011, right?  A Yes.  O Now, as you sit here today you know that there was gambling going on in the building after July 2011, right?  A Yes.  A No, I do not know.  A Yes.  O Now there was still going on in the building after July 2011, right?  A No, I do not know.  A Yes.  O You don't know?  A No, Only after the raid.  O Here is my confusion. Let me try to do a little better with my questions.  Was there ever gambling happening in the building after July 2011, right?  A No, Only after the raid.  O Let me start again.  O Hard thow Lunderstand.  O Hard thow Lunderstand.  O Hard thow Lunderstand.  O Har		O	Č	2	_
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24 Q Sure. 24 building, as far as you know?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q the buildi collect ret A Q there was July 2011 A Q gambling A Q know the afterward A Q here right	No. So the only time you are even in front of ing or see the building is when you go to int? Yes. Now, as you sit here today you know that gambling still going on in the building after, right? I don't understand your question. Sure. July 2011 you knew there was going on in the building, right? Yes. Whatever you knew at the time, you now we was still gambling going on in the building so? No, I do not know. You don't know? No. You don't know now? As you are sitting now, do you know whether there was gambling	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A I only know after the raid. Q Here is my confusion. Let me try to do a little better with my questions. Was there ever gambling happening in the building, as far as you know? A No. Only after the raid. That's when I found out. Q At any time. As far as you know right now was there ever gambling that happened in 35-37 East Broadway? A I only know after the raid. Q So that's a yes. At some point there was? A After the raid I found out. Q Let me start again. Mr. Leong, I'm not asking you what you knew at any particular time aside from right now. This is not about what you knew in 2011, 2012, 2010. Doesn't matter. Sitting here right now, do you know
	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q the buildicollect renth A Q there was July 2011 A Q gambling A Q know there afterward A Q A Q here right happening	No. So the only time you are even in front of ing or see the building is when you go to int? Yes. Now, as you sit here today you know that gambling still going on in the building after, right? I don't understand your question. Sure. July 2011 you knew there was going on in the building, right? Yes. Whatever you knew at the time, you now the was still gambling going on in the building is? No, I do not know. You don't know? No. You don't know now? As you are sitting now, do you know whether there was gambling in the building?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A I only know after the raid. Q Here is my confusion. Let me try to do a little better with my questions. Was there ever gambling happening in the building, as far as you know? A No. Only after the raid. That's when I found out. Q At any time. As far as you know right now was there ever gambling that happened in 35-37 East Broadway? A I only know after the raid. Q So that's a yes. At some point there was? A After the raid I found out. Q Let me start again. Mr. Leong, I'm not asking you what you knew at any particular time aside from right now. This is not about what you knew in 2011, 2012, 2010. Doesn't matter. Sitting here right now, do you know whether gambling happened in the building ever? From
	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q the buildicollect rendered A Q there was July 2011 A Q gambling A Q know the afterward A Q A Q here right happening A	No. So the only time you are even in front of ing or see the building is when you go to int? Yes. Now, as you sit here today you know that gambling still going on in the building after, right? I don't understand your question. Sure. July 2011 you knew there was going on in the building, right? Yes. Whatever you knew at the time, you now the was still gambling going on in the building is? No, I do not know. You don't know? No. You don't know now? As you are sitting now, do you know whether there was gambling in the building? Can you rephrase the question?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A I only know after the raid. Q Here is my confusion. Let me try to do a little better with my questions. Was there ever gambling happening in the building, as far as you know? A No. Only after the raid. That's when I found out. Q At any time. As far as you know right now was there ever gambling that happened in 35-37 East Broadway? A I only know after the raid. Q So that's a yes. At some point there was? A After the raid I found out. Q Let me start again. Mr. Leong, I'm not asking you what you knew at any particular time aside from right now. This is not about what you knew in 2011, 2012, 2010. Doesn't matter. Sitting here right now, do you know whether gambling happened in the building ever? From 1973 to 2013, was there ever any gambling in the

	Page 105		Page 107
1	D. Leong	1	D. Leong
2	Q So yes, at some point there was gambling	2	Q Up to July 2011; is that right?
3	in the building?	3	A Yeah.
4	A Only after the raid. You know, that's	4	Q And you learned certainly by the May 2012
5	when I found out.	5	raid that there had been gambling going on in the
6	Q Sir, what I'm just trying to pin down is	6	building between July 2011 and May 2012, right?
7	whether you know there was gambling in the building,	7	You learned about gambling in the
8	period, whenever it happened.	8	building after a July 2011 raid, right?
9	Is there ever do you know whether	9	A Yes.
10	there was ever gambling that happened in the building?	10	Q And then you learned again, after a May
11	A Only after the raid I found out.	11	2012 raid, about more gambling in the building?
12	Q I don't know what that means, sir. Maybe	12	A Yes.
13	you can explain to me a little bit better.	13	Q And that gambling happened after July
14	Tell me everything that you know about	14	2011 because the raid was in 2012?
15	gambling that happened in the building.	15	A Yeah.
16	A I don't know there was gambling happening	16	Q This is all I'm trying to sort out.
17	in the building. Okay. Only after the raid did I find	17	As of May 2012, certainly, you learned
18	out.	18	that there was gambling happening in the building after
19	Q See, those are two different things, sir.	19	you sent your Notice to Cure.
20	Do you not know whether there was	20	A Yeah.
21	gambling in the building or do you know there was	21	Q That's all I was trying to do.
22	gambling in the building that you learned about after the		So what do you know withdrawn.
23	raid?	23	Do you know anything about the gambling
24	A I don't understand your question.	24	happening in the building?
25	MR. BERKOWITZ: Can I suggest a	25	A No.
	Page 106		Page 108
1	D. Leong	1	D. Leong
2	question?	2	Q Fair enough. I think the point is clear.
3	MR. WILSON: Absolutely.	3	You don't have any personal you weren't personally
4	MR. BERKOWITZ: What is the	4	observing any gambling ever
5	basis of your knowledge that there	5	A No.
6	was gambling in the building; if you	6	Q is your testimony.
7	have any knowledge?	7	Okay. Did anyone at Won & Har, aside
8	THE WITNESS: The basis was	8	from you, have any knowledge about what gambling was
9	only from the raid.	9	happening at the building?
10	MS. LUTTATI: So independent of	10	A No.
11	the raid, if the raid had never	11	Q So you are it. Whatever you know is all
12	happened, did you ever know that	12 13	that Won & Har knows?
13 14	there was gambling going on? THE WITNESS: No.	14	A Yeah.  MP WILSON: I'm going to mark
15	BY MR. WILSON:	15	MR. WILSON: I'm going to mark as Government Exhibit 5 a photo of
16	Q So there was gambling going on in the	16	the front of 35-37 East Broadway.
17	building and you learned about it after the raid?	17	It's really the 37 East Broadway
18	A Yeah.	18	side.
19	Q And there was gambling going on in the	19	(Whereupon, the
20	building after the July raid but before the May 2012	20	above-referenced document was
21	raid, right?	21	marked as Government's Exhibit No.
22	A No. I don't understand your question.	22	5 for identification as of this
23	Q You learned, after the July 2011 raid,	23	date.)
24	that there had been gambling going on in the building?	24	Q Take a look at that. This is 37 East
•		ا ٥٦	· ·
25	A Yeah.	25	Broadway, correct?

		Page 109		Page 111
1		D. Leong	1	D. Leong
2	A	Yes.	2	Q Your testimony is that, if you had
3	Q	And you see the "Lucky U 777" sign?	3	noticed that sign at the time, you would have thought it
4	Ă	Yes.	4	was for a bus service?
5	Q	Do you know what the characters are? You	5	A Yeah.
6		ak Chinese?	6	MR. WILSON: I'm going to mark
7	A	I don't read Chinese.	7	as Exhibit 6 a photograph of a flyer
8	Q	That was a stupid question, then. So	8	that says many things but taking the
9	~	* * .	9	bottom, It's free, get \$5. Hopefully
	never min	nd. I apologize.	10	that will do for identification.
10 11	م مناطقه م	All right. Lucky U 777. And this is the	11	
	building,	-		(Whereupon, the
12	A	Yes.	12	above-referenced document was
13	Q	And you saw this sign when you went to	13	marked as Government's Exhibit No.
14	collect re		14	6 for identification as of this
15	A	No.	15	date.)
16	Q	You never saw this sign?	16	Q Take a look and just let me know.
17	A	I didn't notice it.	17	Just to be clear, you've never seen one
18	Q	Your testimony is you went in, you never	18	of these before?
19	noticed th	ne Lucky U 777 sign?	19	A No.
20	A	No, I did not notice it.	20	Q All right. That's fine. You can put
21	Q	How about the Mohegan Sun advertisement?		that on the side.
22	A	No. I never look at the signs.	22	Was there anything preventing you from
23	Q	Do you know what the Mohegan Sun is?	23	calling Connie and asking her about what they were doing
24	A	I think it's a casino.	24	to prevent gambling in the building?
25	Q	And rather than show you some more	25	A No.
		Page 110		Page 112
1		D. Leong	1	D. Leong
2	photos, to	be clear, your testimony is you didn't notice	2	Q You could have called and asked her for
3	any sign t	that was ever on the building?	3	information about who those subtenants were?
4	A	No, I don't.	4	A They had a right to grant whoever they
5	Q	So if I showed you more photos of other	5	wanted to rent to.
6	signs or o	other time periods, you would also not recognize	6	Q Did they have a right to rent to people
7	those sign	ns?	7	who were engaged in illegal activity?
8	A	No.	8	A No. It's in the lease, you can't do
9	Q	Ever see a flyer for Lucky 777 or Lucky U	9	illegal activities.
10	777?		10	Q So you were entitled to ask her how these
11	Α	No.	11	people came to be gambling in your building, right?
12	Q	What is you are looking at it now.	12	A I don't understand that.
13	-	hat there's Lucky U 777 and a bunch of dollar	13	Q You got on the phone and talked to Connie
14	signs.	national burning of the and a bunion of dollar	14	once?
15	A	Yeah.	15	A Yeah.
16	Q	What does that mean to you, as you are	16	Q And you said you can't have this, you got
17	-	t it now? If you had seen it withdrawn.	17	to clean it up, basically?
18	iookiiig a	,	18	A Yeah.
	w.o1.1	If you had seen this at the time, what		
19	-	u have thought that was advertising?	19	Q I know that's not your exact words.
20	A	You mean as I see it now, what I would	20	About like that?
21	think of i		21	A Yeah.
22	Q	Yeah. If you walked up and saw that sign	22	Q You could have said, who are these people
23	-	nat would you think it's advertising?	23	and how did you let them gamble in the building, right?
0.4		It could be a bus service because I know	24	A Yes.
24 25	Α .	Lucky something bus service.	25	Q You could have asked what they were going

	Page 113		Page 115
1	D. Leong	1	D. Leong
2	to do to stop having people gamble in the future?	2	did enter the building, most of the office were closed.
3	A Yes. I told her to stop.	3	Q But you weren't restricted in the time
4	Q You could have asked questions about how	4	that you could enter the building, right?
5	this had come to happen, right?	5	A No, I wasn't restricted. But I did it in
6	A Yes.	6	the morning.
7	Q And you could have asked questions about	7	Q I understand, sir. I just want to make
8	what they were going to do in the future, right?	8	sure that your right to inspection doesn't mean something
9	A Yes.	9	more complicated than I think it does. So let me lay it
10	Q And you could have gone by the building	10	out.
11	to make sure there wasn't any gambling happening?	11	What weren't you allowed to do under the
12	A I don't have a right to inspect the	12	lease that you think is relevant here?
13	building.	13	A I don't understand that. You're
14	6	14	confusing me.
	Q It's a public building, right?	15	· ·
15	A Yes.	16	Q I apologize. You raised the question
16	Q You could have walked in. It's		that you didn't have a right to inspect, right?
17	commercial. It's open, right?	17	A Yes.
18	A Yes.	18	Q If you had a right to inspect, what would
19	Q There was nothing stopping you from going	19	have been different?
20	to well, certainly you went to the sixth floor, the	20	A The office were all closed so I wouldn't
21	fifth floor, the third floor and the fourth floor to	21	be able to enter. But I don't have that right.
22	collect rent, right?	22	Q So you didn't have the right to enter
23	A Yes.	23	offices when they were closed?
24	Q And there was nothing stopping you from	24	A Yeah.
25	walking in on the first floor to see what was going on,	25	Q Any offices that were open you could
	Page 114		Page 116
1	D. Leong	1	D. Leong
2	right?	2	enter, right, just like anyone else?
3	A Well, yes.	3	A Yeah. But they were mostly closed when I
4	Q And you were three blocks away, right?	4	went.
5	A Yes.	5	Q So to take the example of the third
6	Q So it would have been pretty easy to do	6	floor, if a third floor office had its door open during
7	that at any time, right?	7	business hours, you would have been able to go in, right?
8	A Yes.	8	A Yes.
9	Q But you didn't do any of those things?	9	Q And if there had been illegal gambling
10	A No. Because I don't have a right for	10	going on in there open to whoever wanted to walk in, you
11	inspection.	11	could have gone in and seen there was illegal gambling
12	Q I just want to make sure I'm not missing	12	going on, right?
13	something.	13	A Yes.
14	What does it mean to have a right for	14	Q In retrospect, that would have been a
15	inspection?	15	good thing to do here, right?
16	A Just to inspect the building, you know.	16	A No. But I did go to the building once a
17	Q Are you saying that you didn't believe	17	month and I didn't see anything.
		18	Q Right. You went to the building once a
	von were allowed to enter the hudding?		2 11.5 1 ou wont to the building blice u
18	you were allowed to enter the building?	19	month in the morning to get your rent and you didn't see
18 19	A I was allowed to enter the building.	19 20	month in the morning to get your rent and you didn't see
18 19 20	A I was allowed to enter the building. But	20	anything then. That's your testimony?
18 19 20 21	A I was allowed to enter the building. But Q So you could have gone into	20 21	anything then. That's your testimony?  A Yes.
18 19 20 21 22	A I was allowed to enter the building. But Q So you could have gone into MS. LUTTATI: Let him finish	20 21 22	anything then. That's your testimony?  A Yes.  Q You never went at any time other than
18 19 20 21 22 23	A I was allowed to enter the building.  But  Q So you could have gone into  MS. LUTTATI: Let him finish his answer. "But "	20 21 22 23	anything then. That's your testimony?  A Yes.  Q You never went at any time other than when you called ahead, right?
18 19 20 21 22	A I was allowed to enter the building. But Q So you could have gone into MS. LUTTATI: Let him finish	20 21 22	anything then. That's your testimony?  A Yes.  Q You never went at any time other than

than the one that you were going to to meet Connie, right?  than the one that you were going to to meet Connie, right?  The seem literage and the clear of the search of t		Page 117		Page 119
than the one that you were going to to meet Connie, right?  A Yes. Q In retrospect, if you had gone at another time and checked out some of the floors, you might have seen illegal gambhing happening, right? A You might. Q And if you had, that would have been go Q And if you had, that would have been go Q And if you had, that would have been go Q Things would have worked out better, if go Q Then you could have worked out better, if it right? A Yes. Q Then I would have been a burden on you, right, since you are only three blocks away? A But I wast there once a month to pick up the rent. Q You could have gone twice a month and it Wouldn't have been unreasonable for you to walk over there three blocks away and do a spot cheek on the floors at, left say, do clock once a month? A No. Q I wouldn't have been a burden on you, right, since you are only three blocks away and do a spot cheek on the floors at, left say, do clock once a month? D Leong activities, right? A No. Q It wouldn't have been unreasonable for you to walk over there three blocks away and do a spot cheek on the floors at, left say, do clock once a month? D Leong activities, right? A No. Q I wouldn't have been unreasonable for you to walk over there three blocks away and do a spot cheek on the floors at, left say, do clock once a month? D Leong activities, right? A No. Q I wouldn't have been unreasonable for you to walk over there three blocks away and do a spot cheek on the floors at, left say, do clock once a month? D Leong activities, right? A No. Q You would have had to change your schedule around? A No. Q You would have done it? It wouldn't be crazy, right? A Yes. A Yes. A No. C How did you become aware of the May raid' A Yesh. C A Yes	1	D. Leong	1	D. Leong
3	2	e e	2	
4 A Yes.  Q In retrospect, if you had gone at another 5 time and checked out some of the floors, you might have seen illegal gambling happening, right?  A You might.  A You might and Yes and first was the police.  Q Things would have worked out better, if 10 you had done that?  A Then I would have contacted the police.  Q Then you could have stopped the gambling happening at the time because you would have known about 17 it, right?  A Yes.  A Yes.  B WI Haw wouldn't have been a burden on you, 12 right, since you are only three blocks away?  A But I would have interfered with your other business  Page 118  D Leong  a ctivities, right?  A No.  D Leong  A No.  D Leong  C No then in May you filed another one based on the gambling because of the raid?  A Yes. What do you mean? I don't understand.  You filed the eviction action after the forfeiture action that we are here for.  A What do you mean? I don't understand.  You filed the eviction action after the forfeiture actio	3			
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5 you to walk over there three blocks away and do a spot check on the floors at, let's say, 4 o'clock once a month?  8 A No. I don't go there. As I said, I wake up early in the morning and I go home back early.  9 up early in the morning and I go home back early.  10 Q You could have done it? It wouldn't be crazy, right?  11 crazy, right?  12 A But I would have to change my schedule around.  13 A No.  14 Q You would have had to change your schedule around?  15 schedule around?  16 A Yes.  17 Q Didn't see anything about it in the news?  18 A No. This just told me afterwards, you know.  19 A Yeah.  10 Q Now, ultimately, since the raid in 2012, you've been seeking to evict TYT East because of the gambling, right?  20 Q Who told you that it happened?  21 A Yeah.  22 Q Do you remember what type of person it was? Was it a friend, family?			4	
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month?  A No. I don't go there. As I said, I wake up early in the morning and I go home back early. Q You could have done it? It wouldn't be 1 crazy, right? 1 A No. 1 A But I would have to change my schedule around. 1 Q You would have had to change your 1 A No. 1 Q You would have had to change your 1 A Yes. 1 A Yes. 1 A No. This just told me afterwards, you 1 Row. 1 A Yeah. 2 Q How did you become aware of the May raid? 1 know. 2 How did you become aware of the May raid? 2 Q Who told you that it happened? 3 A Yeah. 2 Q Who told you that it happened? 3 A Yeah. 4 Q Didn't read anything about it in the news? 4 No. This just told me afterwards, you 4 Now, ultimately, since the raid in 2012, 5 You've been seeking to evict TYT East because of the 5 gambling, right? 2 A Yeah. 3 Q Do you remember what type of person it 4 Q Do you remember what type of person it 5 Q Do you remember what type of person it 6 Q There was an earlier eviction proceeding 6 A Yeah. 6 Q Do you remember what type of person it 7 Q Do you remember what type of person it		J 1		A Yeah.
A No. I don't go there. As I said, I wake up early in the morning and I go home back early.  Q You could have done it? It wouldn't be crazy, right?  A But I would have to change my schedule around.  Q You would have had to change your schedule around?  A Yes.  A No. This just told me afterwards, you know.  Row.  Ro	7		7	O And neither did your counsel?
9 up early in the morning and I go home back early. 10 Q You could have done it? It wouldn't be 11 crazy, right? 12 A But I would have to change my schedule 13 around. 14 Q You would have had to change your 15 schedule around? 16 A Yes. 17 Q That's all that it would have required, 18 right? 19 A Yeah. 20 Now, ultimately, since the raid in 2012, 21 you've been seeking to evict TYT East because of the 22 gambling, right? 23 A Yeah. 24 Q There was an earlier eviction proceeding 29 Q Did you see any news coverage of the 10 raid? 11 A No. 12 Q Didn't see anything about it in the news? 12 Q Didn't read anything about it in the 15 paper? 16 A No. This just told me afterwards, you 17 know. 18 Q How did you become aware of the May raid? 19 A It was just after, you know, someone told 20 Who told you that it happened? 21 Q Who told you that it happened? 22 A I don't remember. 23 Q Do you remember what type of person it 24 was? Was it a friend, family?	8		8	•
10 Q You could have done it? It wouldn't be 11 crazy, right? 12 A But I would have to change my schedule 13 around. 14 Q You would have had to change your 15 schedule around? 16 A Yes. 17 Q That's all that it would have required, 18 right? 19 A Yeah. 20 Now, ultimately, since the raid in 2012, 21 you've been seeking to evict TYT East because of the 22 gambling, right? 23 A Yeah. 24 Q There was an earlier eviction proceeding 24 was? Was it a friend, family?  10 raid? 11 A No. 12 Q Didn't see anything about it in the news? 12 Q Didn't read anything about it in the 13 A No. 14 Q Didn't read anything about it in the 15 paper? 16 A No. This just told me afterwards, you 17 know. 18 Q How did you become aware of the May raid? 19 A It was just after, you know, someone told me it happened. So I just contacted my lawyer. 21 Q Who told you that it happened? 22 A I don't remember. 23 Q Do you remember what type of person it 24 was? Was it a friend, family?		,		
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right?  18	1			
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22 gambling, right? 23 A Yeah. 24 Q There was an earlier eviction proceeding 25 A I don't remember. 26 Q Do you remember what type of person it 27 24 was? Was it a friend, family?		· · · · · · · · · · · · · · · · · · ·		
A Yeah. 23 Q Do you remember what type of person it Q There was an earlier eviction proceeding 24 was? Was it a friend, family?	1			
Q There was an earlier eviction proceeding 24 was? Was it a friend, family?	1			
	1	based on the nonpayment of rent also, right?		

		Page 121		Page 123
1		D. Leong	1	D. Leong
2	Q	What did they tell you?	2	to deal with this anymore.
3	À	That it was raided, you know.	3	Q Anyone else part of the decision-making
4	Q	What else did they tell you about it?	4	to start the
5	À	That was it.	5	A No.
6	Q	Well, what did they say was raided?	6	Q eviction proceeding?
7	A	The building, you know.	7	Just you and Mr. Fong?
8	Q	And for what?	8	A Just me.
9	A	For illegal gambling.	9	Q You decided you talked to Mr. Fong?
10	Q	And what did they say that was found?	10	A Yeah.
11	A	They didn't say.	11	Q Did you discuss it with anyone else?
12	Q	What other conversations did you have	12	A No.
13	about the	e May 2012 search?	13	Q Did you discuss it with Mr. Eng or just
14	A	I didn't have any conversation.	14	Mr. Fong talk to him?
15	Q	So one person came and told you that it	15	A I think we had like a three-way
16	happened	d?	16	conversation or something.
17	A	Yeah.	17	Q Now, in that eviction proceeding, the
18	Q	That's the only time you spoke to	18	courts ruled in your favor, right?
19	about it v	with anyone?	19	A Which one?
20	A	Yeah.	20	Q Well, my why don't you tell me what
21	Q	How about your lawyers?	21	you know about the state of the two actions.
22	À	Yeah, I talked to my lawyers. I	22	A The one for nonpayment we won. We are
23	contacted	d my lawyers immediately.	23	waiting for the warrants to be issued.
24	Q	Which lawyer did you contact?	24	Q So your understanding is that you won the
25	À	Dean Fong.	25	nonpayment litigation and the gambling one as well.
		Page 122		Page 124
1		D. Leong	1	D. Leong
2	Q	Did you talk to Mr. Eng?	2	Withdrawn. Let's start there.
3	A	Yes.	3	Your understanding is the eviction action
4	Q	When did you talk to Mr. Eng?	4	you filed in April for nonpayment you've won?
5	A	I think Dean Fong contacted Mr. Eng.	5	A Yeah. They defaulted.
6	Q	And what did you did you give Mr. Fong	6	Q And where did you get that understanding,
7	any instru	actions?	7	from counsel?
8	A	Yes. We started proceedings for eviction	8	A Yeah.
9	for illegal	gambling.	9	Q You talked to Mr. Eng or you talked to
10	Q	And that's what you instructed him to do	10	Mr. Fong?
11	or that's v	vhat you did?	11	A Mr. Eng.
12	A	That's what I you know. That's what we	12	Q And your understanding about the gambling
13	said we'd		13	proceeding is that it's still going on?
14	Q	Who proposed that you start the eviction	14	A Yeah. It's on hold.
15	proceeding	gs?	15	Q You say it's on hold. What's your
16	A	That's what I wanted to do, you know. I	16	understanding about what's happening with it?
17	wanted to	get them out.	17	A That they are waiting for witnesses or
18	Q	So you talked to Mr. Fong and you said	18	something.
19	you want	ed to evict TYT East?	19	Q If I were to show you some court
20	A	Yeah.	20	documents which suggest that that's not exactly what's
21	Q	Why?	21	going on right now, is that going to help you refresh
22	A	For illegal gambling.	22	your recollection at all, help you remember, or is what
23	Q	Why did you want to do it now as opposed	23	you remember just definitely what you just told me
24	to in July		24	definitely what you understand to be the situation?
25	A	Because I was tired of it. I didn't want	25	A Well, I'm not sure. I don't understand.

	Page 125		Page 127
1	D. Leong	1	D. Leong
2	MR. WILSON: When we take a	2	like? What was in the office?
3	break at some point, I will think	3	A Just an office.
4	about whether that's going to make	4	Q Desks, computers?
5	sense.	5	A A desk, computer.
6	I will have to see what I	6	Q Whatever you can remember.
7	actually have handy and whether it's	7	A Desk and computer and file cabinet.
8	a waste of time.	8	Q Couch? Armchair? Anything like that?
9	Q Let's talk about the case that you won.	9	A I don't know that.
10	You said that you think you are waiting	10	Q All you know is the desk and the
11	for the warrant to be issued.	11	computers?
12	A Yes, we are waiting for the warrant to be	12	A Just typical office.
13	issued.	13	Q Did you see a surveillance camera-feed
14	Q And how long have you been waiting for a	14	anywhere?
15	warrant to be issued?	15	A No.
16	A Over two months.	16	Q Did you see a TV?
17	Q And what are you doing to get the warrant	17	A They have monitors, computer monitors. I
18	issued?	18	know that.
19	A My lawyer is handling that. He says the	19	Q No TV up on the wall?
20	City is slow.	20	A No, I didn't see that.
21	Q So your understanding is as soon as the	21	Q Ever see a mah-jongg table? Well, do you
22	City comes through with the warrant you are going to	22	know what a mah-jongg table looks like?
23	evict TYT East?	23	A Yes.
24	A Yes.	24	Q Did you ever see a mah-jongg table in
25	Q You are not aware of any negotiations	25	that office?
	Page 126		Page 128
1	D. Leong	1	D. Leong
2	with counsel for TYT East over paying some of the back	2	A No.
3	rent?	3	Q Did you ever see any mah-jongg tiles in
4	A No. That I don't know.	4	the office?
5	Q As far as you know, you are evicting as	5	A No.
6	soon as possible?	6	Q How about poker chips.
7	A Yes. I don't have to accept payment.	7	A No.
8	Q I understand. That's well, have you	8	Q Let me show you Government Exhibit 7
9	directed your lawyers to evict as soon as possible?	9	which is the 2011 U.S. Income Tax Return for Won & Har
10	A Yeah.	10	Realty Corp.
11	Q And your understanding is the holdup is	11	(Whereupon, the
12	the City issuing the warrant?	12	above-referenced document was
13	A Yes.	13	marked as Government's Exhibit No.
14	MR. WILSON: Let's go off the	14	7 for identification as of this
15	record for a second.	15	date.)
16	(Whereupon, at 1:03 p.m. a	16	Q Now, could you just turn to page 9 of
17	recess was taken until 1:14 p.m.)	17	that document. Schedule K.
18	EXAMINATION (CONT'D.)	18	And this says net rental real estate
19	BY MR. WILSON:	19	income.
20	Q Mr. Leong, just a couple of follow-ups to	20	A Yeah.
21	something we talked about earlier.	21	Q Multiple family residence.
22	When you went to the TYT office to pick	22	Residential
23	up your rent check and I know that there were	23	A That's a mistake by my accountant.
24	different offices. So let's start with Room 605.	24	Q So this is just a mistake by your
25	When you went to 605, what did it look	25	accountant?

	Page 129		Page 131
1	D. Leong	1	D. Leong
2	A Yeah.	2	MR. WILSON: All right. That's
3	Q That just happened in 2011 or is that a	3	all I have.
4	mistake made in other years?	4	Mr. Berkowitz, do you have any
5	A I think it's been made in other years, if	5	questions?
6	this is 2011.	6	MR. BERKOWITZ: I just have a
7	Q This is 2011, yes.	7	couple of quick questions, if I may.
8	So you think it's been made in other	8	EXAMINATION
9	years?	9	BY MR. BERKOWITZ:
10	A Yeah.	10	Q Mr. Leong, I'm sorry I was here late.
11	Q Have you filed a corrected return not	11	Exhibit 1, which is the lease, did you
12	you. Withdrawn.	12	sign on behalf of Won & Har Realty? There is a signature
13	Has Won & Har filed corrected returns?	13	there.
14	A No.	14	A Yeah. It's on page
15	Q Are you planning to file corrected	15	Q Twenty-four.
16	returns?	16	A Yes.
17	A I don't know. No.	17	Q And was the lease physically signed at
18	Q There are no plans right now to file	18	the same time and place or was it first signed by the
19	corrected returns?	19	tenant or how was it physically signed?
20	A No.	20	A Yeah, it was signed the same time and
21	Q The same is true on the State returns as	21	place.
22	well; is that right? The same mistake would have been	22	Q So both you and Mr. Hua Chen were
23	made?	23	physically in a room?
24	A This mistake that's on there?	24	A Yes.
25	Q Yeah.	25	Q Do you recall where that took place?
	Page 130		Page 132
1	D. Leong	1	D. Leong
2	A Yeah.	2	A At my lawyer's office.
3	Q Then I won't go through it.	3	Q Mr. Fong?
4	Sir, do you ever gamble?	4	A Mr. Fong.
5	A No.	5	Q And have you ever heard of an individual
6	Q Have you ever gambled?	6	his last name is Ni, N-I?
7	A Once in a while a long time ago. But no,	7	A No, I don't know him.
8	I don't gamble, usually.	8	Q If you look at Exhibit 4, on Exhibit D to
9	Q Okay. You said once in a while a long	9	that was a letter dated August 25th, 2011 from TYT East
10	time ago.	10	signed by Jixiong Ni as Chairman of the Board of TYT.
11	A Yeah.	11	Do you see that? It's Exhibit D as in
12	Q So when did you stop gambling?	12	David to Exhibit 4.
13	A A long time ago. That was over 20, 30	13	A Yes, I see that.
14	years. Not gamble. I just went to the casino for like	14	Q Had you ever seen his name prior to
15	one day just to see it and that was it.	15	August 25, 2011?
16	Q So 20, 30 years ago you went to a casino?	16	A No, not to my recollection.
17	A Yes.	17	Q So you had never met him, Mr. Ni, before
18	Q What casino? Atlantic City, Vegas?	18	that?
19	A I don't know. Atlantic City. I went	19	A No.
20	with my wife to see some Chinese show. They were singing		Q And you didn't know who he was?
21	there. We went to see a singing show.	21	A No, I don't know who he is.
22	Q Never been to a casino since then?	22	Q And you don't recall whether prior to
23	A No.	23	signing the lease you or your attorney had did his
24	Q You don't do any other type of gambling?	24	name ever come up as being involved with TYT East?
25	A No.	25	A Not to my recollection.

	Page 133		Page 135
1	D. Leong	1	
2	Q Have you since come to know who Mr. Ni is	2	CAPTION
3	since August 25th, 2011?	3	CATITON
4	A Just by what papers I saw, these papers.	4	The Deposition of DAMON LEONG, taken in the matter, on
5	Q Have you seen his name or has his name	5	the date, and at the time and place set out on the title
6	come up at any time since it's now February 2013. So	6	page hereof.
7	between August 25th, 2011 and today, have you ever seen	7	page nereor.
8	or come into contact with Mr. Ni?	8	It was requested that the deposition be taken by the
9	A No.	9	reporter and that same be reduced to typewritten form.
10	Q Have you seen or come into contact with	10	reporter and that same be reduced to typewritten form.
11	any relatives of Mr. Ni as having any involvement with	11	The Deponent will read and sign the transcript of said
12	TYT?	12	deposition.
13	A No.	13	ucposition.
14	Q Do you know if any of Mr. Ni's relatives	14	
15	had any responsibility at TYT?	15	
16	A I don't know. I don't know his family.	16	
17	Q Is it fair to say that your involvement	17	
18	with this building was that you net leased the building	18	
19	to TYT and basically your own involvement was to collect		
20	the rent every month?	20	
21	A Yes.	21	
22	MR. BERKOWITZ: I have no	22	
23	further questions.	23	
24	EXAMINATION EXAMINATION	24	
25	BY MS. LUTTATI:	25	
	Page 134		Page 136
1	-	1	1490 100
1	D. Leong	1	CERTIFICATE
2	Q Mr. Damon, before the July 19, 2011 raid	2	CERTIFICATE
3	at the building, did you ever know that gambling was	3	CTATE OF NEW VODV
4	going on at that building?	4 5	STATE OF NEW YORK
5	A No.	6	COUNTY/CITY OF
6	Q And subsequent to getting the Notices to		Defens me this day measurally amounted
7	Cure issued and receiving the surrender agreements, after	7	Before me, this day, personally appeared DAMON LEONG, who, being duly sworn, states that the
8	that period of time did you have any reason or did you	8	
9	know that gambling was going on at the building?	9 10	foregoing transcript of his Deposition, taken in the matter, on this date, and at the time and place set out
10	A No, I did not know that gambling was	11	on the title page hereof, constitutes a true and accurate
11	happening.	12	transcript of said deposition.
12	Q Up until May of 2012 when there was the	13	transcript of said deposition.
13	raid, you did not know going there once a month to	14	
14	pick up the rent check and everything that you saw		DAMON LEONG
15	walking in, walking out, nothing made you suspicious that	16	DAMON LEONG
16	gambling was going on in that building?	17	
17	A Yes. Nothing suspicious.	18	
18	MR. WILSON: We are all set.	18	SUBSCRIBED and SWORN to before me this
19	Thank you very much.	20	Day of, 2013, in the
20	The deposition is concluded.	21	Jurisdiction aforesaid.
21 22	(Time noted: 1:24 o'clock	22	Jurisaicuoti atoresaia.
23	p.m.)	23	
23		24	My Commission Expires Notary Public
25		25	, Commission Expires From y Lucile
	l l	-	ı

34 (Pages 133 to 136)

35 (Pages 137 to 139)